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PENNSYLVANIA BULLETIN

Volume 45

Number 30

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Pages 3967—4144

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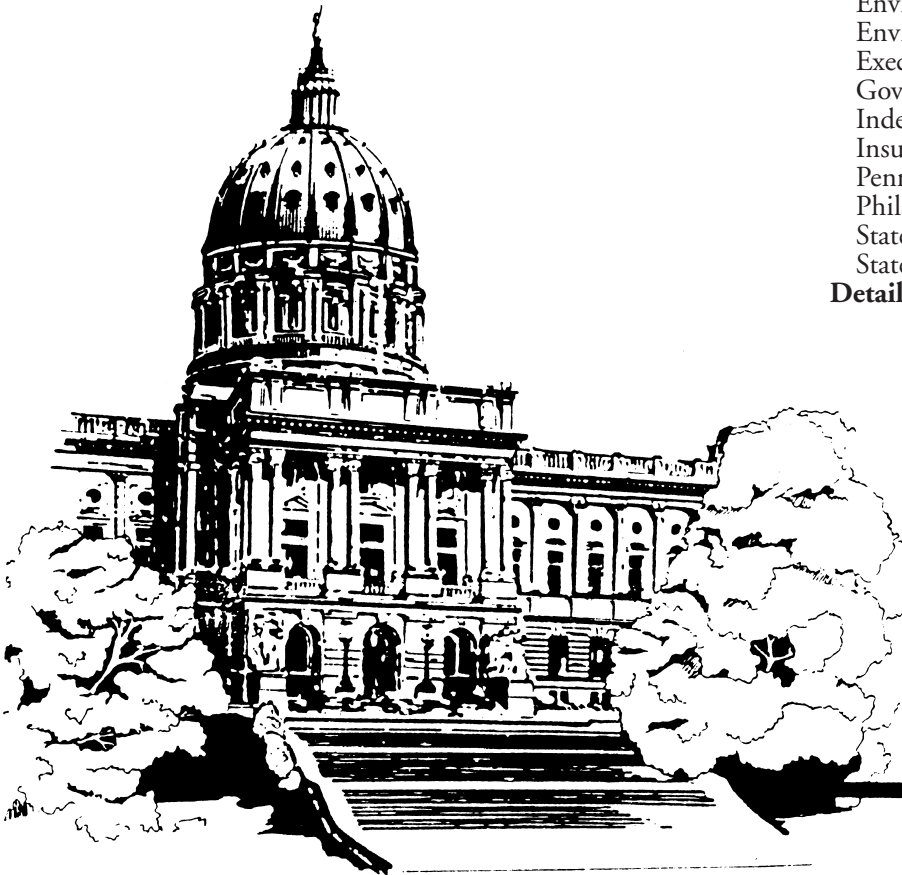
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 488, July 2015

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND THE PENNSYLVANIA CODE

Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa. Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

Source Notes give the history of regulations. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at www.pabulletin.com.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised. A fiscal note provides the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the 5 succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the 5 succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2015.

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THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CHS. 37 AND 69]

Amendments to Rules of Appellate Procedure and Internal Operating Procedures

The Commonwealth Court approved on June 16, 2015, changes to Chapter 37 of the Rules of Appellate Procedure and its Internal Operating Procedure § 414, found in 210 Pa. Code.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE III. MISCELLANEOUS PROVISIONS

CHAPTER 37. BUSINESS OF THE COMMONWEALTH COURT

BRIEFING AND LISTING OF CASES FOR ARGUMENT

Rule 3714. Listing of Cases and Briefing Schedules.

(a) *Matters heard solely on certified record.* An appeal from a court of common pleas and each other matter which under the applicable law is required to be determined by the court upon the record before the government unit below shall be eligible for listing for argument after the record has been filed. When all briefs and reproduced records have been filed, the Chief Clerk shall list the case for oral argument on a specified date and shall give at least ten days written notice by first class mail to all parties of the date scheduled for the argument. The Court may direct any matter to be submitted on briefs without oral argument.

(b) *Original jurisdiction matters.* A matter commenced in whole or in part within the original jurisdiction of the court including matters under Pa.R.A.P. 1571 (determinations of the Board of Finance and Revenue) when at issue for argument on preliminary matters or after the record has been made shall be listed for oral argument after the court establishes a briefing schedule.

(c) *Extensions of Time to File Briefs or Reproduced Record.* A party may submit a written request for an extension of time to file briefs or the reproduced record, which the chief clerk may grant, if the requested extension is: (1) for thirty days or less; (2) the first one sought; and (3) unopposed by all other parties. If any of the three enumerated criteria do not exist, the party must submit its extension request by formal application. The prothonotary, chief clerk or deputy prothonotary may act on the formal application.

Official Note: Under Rule 105 the court may reduce or enlarge any of the time periods specified in the rule. Preliminary matters referred to in Subdivision (b) include preliminary objections, motions for judgment on the pleadings, motions for summary judgment and motions to quash.

See Pa.R.A.P. 123 regarding the form of an application for relief, which is necessary if the three requirements in Pa.R.A.P. 3714(c) cannot be met.

(*Editor's Note:* The following rule is new and printed in regular type to enhance readability.)

Rule 3716. Citing Judicial Opinions in Filings.

(a) A reported opinion of the Commonwealth Court *en banc* or three-judge panel may be cited as binding precedent.

(b) An unreported panel decision of this Court issued after January 15, 2008, may be cited for its persuasive value, but not as binding precedent.

(c) Any unreported opinion of this Court may be cited and relied upon when it is relevant under the doctrine of law of the case, res judicata or collateral estoppel.

(d) A reported single judge opinion in an election law matter filed after October 1, 2013, may be cited as binding precedent only in an election law matter.

(e) All other single judge opinions of this Court, even if reported, shall be cited only for persuasive value and not as binding precedent.

Official Note: A special election panel is one designated by the president judge to hear election law matters on an expedited basis. Decisions by such panels are made by only the members of the panel without the participation of judges who are not part of the panel. *See* Internal Operating Procedure § 112(b) (Courts *En Banc* and Panels; Composition), § 258 (Decision; Election Law Appeals), § 416 (Reporting of Unreported Opinions).

[COSTS] POST DECISION

(*Editor's Note:* The following rule is new and printed in regular type to enhance readability.)

Rule 3740. Request to Report Unreported Opinion.

Within 30 days after an opinion has been filed as unreported, any person may file an application to report the opinion. Except as noted in the next sentence, grant of the application requires an affirmative majority vote of the commissioned judges. Grant of an application to report an opinion of a single judge or an opinion of a special election panel requires an affirmative two-thirds vote of the commissioned judges.

Official Note: A decision may be reported when it:

- (1) establishes a new rule of law;
- (2) applies an existing rule of law to facts significantly different than those stated in prior decisions;
- (3) modifies or criticizes an existing rule of law;
- (4) resolves an apparent conflict of authority;
- (5) involves a legal issue of continuing public interest; or
- (6) constitutes a significant, non-duplicative contribution to law because it contains:
 - (i) an historical review of the law,
 - (ii) a review of legislative history,
 - (iii) a review of conflicting decisions among the courts of other jurisdictions.

See also IOP § 412.

ENFORCEMENT [PROCEEDINGS] OF AGENCY ORDER

Rule 3761. Enforcement Proceedings.

* * * * *

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 69. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT OF PENNSYLVANIA

DECISIONS

§ 69.414. Citing Judicial Opinions in Filings.

* * * * *

[Pa.B. Doc. No. 15-1363. Filed for public inspection July 24, 2015, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Order Adopting New Rules 220.1 and 220.2, Renumbering and Amending Current Rule 220.1 as 220.3, and Amending Rule 223.1 of the Rules of Civil Procedure; No. 628 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 7th day of July, 2015, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 42 Pa.B. 377 (January 21, 2012):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

(1) New Rules 220.1 and 220.2 of the Pennsylvania Rules of Civil Procedure are adopted;

(2) Current Rule 220.1 of the Pennsylvania Rules of Civil Procedure is renumbered as Rule 220.3 and amended; and

(3) Rule 223.1 of the Pennsylvania Rules of Civil Procedure is amended,

in the following form. This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 1, 2015.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

(*Editor's Note:* Rules 220.1 and 220.2 are new and printed in regular type to enhance readability.)

Rule 220.1. Preliminary Instructions to Prospective and Selected Jurors.

(a) For purposes of this rule, "prospective jurors" means those persons who have been chosen to be part of the panel from which the trial jurors and alternate jurors

will be selected. "Selected jurors" means those members of the panel who have been selected to serve as trial jurors or alternate jurors. "Jury service" means service as (1) members of the jury array, (2) prospective jurors, and (3) selected jurors.

(b) Persons reporting for jury service, upon their arrival for this service, shall be instructed in their duties.

(c) At a minimum, the persons reporting for jury service shall be instructed that until their service as prospective or selected jurors is concluded, they shall not:

(1) discuss any case in which they have been chosen as prospective jurors or selected jurors with others, including other jurors, except as otherwise authorized by the court;

(2) read or listen to any news reports about any such case;

(3) use a computer, cellular telephone, or other electronic device with communication capabilities while in attendance at trial or during deliberation. These devices may be used during breaks or recesses but may not be used to obtain or disclose information prohibited in subdivision (c)(4);

(4) use a computer, cellular telephone, or other electronic device with communication capabilities, or any other method, to obtain or disclose information about any case in which they have been chosen as prospective or selected jurors. Information about the case includes, but is not limited to, the following:

(i) information about a party, witness, attorney, judge, or court officer;

(ii) news reports of the case;

(iii) information collected through juror research using such devices about the facts of the case;

(iv) information collected through juror research using such devices on any topics raised or testimony offered by any witness;

(v) information collected through juror research using such devices on any other topic the juror might think would be helpful in deciding the case.

(d) These instructions shall be repeated:

(1) to the prospective jurors at the beginning of voir dire;

(2) to the selected jurors at the commencement of the trial;

(3) to the selected jurors prior to deliberations; and

(4) to the selected jurors during trial as the trial judge deems appropriate.

(e) Jurors shall be instructed that it is their obligation immediately to inform the court of any violation of this rule.

Official Note: For comprehensive jury instructions on the use of electronic devices by jurors in civil cases, see Section 1.180 of the Pennsylvania Suggested Civil Jury Instructions, Pa. SSJI (Civ), § 1.180.

For guidance regarding the use of electronic devices in the courtroom by persons other than jurors, see Rule of Judicial Administration 1910.

Rule 220.2. Sanctions for Violation of Rule 220.1.

Any individual who violates the provisions of Rule 220.1 regarding the use of electronic devices by jurors or who violates any limitation imposed by local rule or by

the trial judge regarding the prohibited use of electronic devices during court proceedings:

(a) may be found in contempt of court and sanctioned in accordance with 42 Pa.C.S. § 4132 et seq., and

(b) may be subject to sanctions deemed appropriate by the trial judge, including, but not limited to, the confiscation of the electronic device that is used in violation of this rule.

Rule [220.1] 220.3. Voir Dire.

(a) Upon completion of the oath, the judge shall instruct the prospective jurors upon their duties and restrictions while serving as jurors, and of any sanctions for violation of those duties and restrictions, including those in Rules 220.1 and 220.2.

(b) Voir dire shall be conducted to provide the opportunity to obtain at a minimum a full description of the following information, where relevant, concerning the prospective jurors and their households:

- (1) Name;
- (2) Date and place of birth;
- (3) Residential neighborhood and zip code (not street address);
- (4) Marital status;
- (5) Nature and extent of education;
- (6) Number and ages of children;
- (7) Name, age and relationship of members of prospective juror's household;
- (8) Occupation and employment history of the prospective juror, the juror's spouse and children and members of the juror's household;
- (9) Involvement as a party or a witness in a civil lawsuit or a criminal case;
- (10) Relationship, friendship or association with a law enforcement officer, a lawyer or any person affiliated with the courts of any judicial district;
- (11) Relationship of the prospective juror or any member of the prospective juror's immediate family to the insurance industry, including employee, claims adjuster, investigator, agent, or stockholder in an insurance company;
- (12) Motor vehicle operation and licensure;
- (13) Physical or mental condition affecting ability to serve on a jury;
- (14) Reasons the prospective juror believes he or she cannot or should not serve as a juror;
- (15) Relationship, friendship or association with the parties, the attorneys and prospective witnesses of the particular case to be heard;
- (16) Ability to refrain from using a computer, cellular telephone or other electronic device with communication capabilities in violation of the provisions of Rule 220.1; and**

[(16)] (17) Such other pertinent information as may be appropriate to the particular case to achieve a competent, fair and impartial jury.

Official Note: For example, under presently prevailing law as established by the Superior Court, *voir dire* should have been allowed with respect to the effect of pre-trial publicity on prospective jurors' "attitudes regard-

ing medical malpractice and tort reform." *Capoferri v. Children's Hosp. of Phila.*, 893 A.2d 133 (Pa. Super. 2006) (en banc).

[(b)] (c) The court may provide for voir dire to include the use of a written questionnaire. However, the use of a written questionnaire without the opportunity for oral examination by the court or counsel is not a sufficient voir dire.

Official Note: The parties or their attorneys may conduct the examination of the prospective jurors unless the court itself conducts the examination or otherwise directs that the examination be conducted by a court employee. Any dispute shall be resolved by the court.

A written questionnaire may be used to facilitate and expedite the voir dire examination by providing the trial judge and attorneys with basic background information about the jurors, thereby eliminating the need for many commonly asked questions.

[(c)] (d) The court may permit all or part of the examination of a juror out of the presence of other jurors.

Rule 223.1. Conduct of the Trial. Trial by Jury.

(a) Before the taking of evidence, the trial judge shall instruct the jurors as provided in Rule 220.1.

[(a)] (b) In conducting a trial by jury, the court may use one or more of the procedures provided in subdivisions [(b) and] (c) and (d) as may be appropriate in the particular case.

Official Note: This rule catalogs certain procedures which may be utilized in the conduct of a jury trial. Since the court has broad power and discretion in the manner in which it conducts a jury trial, it is not intended that this rule be construed as enlarging, restricting or in any way affecting that power and discretion.

See Rule 223.2 for juror note taking in civil cases.

[(b)] (c) The court may permit jurors to view a premises or a thing in or on a premises.

Official Note: See Rule 219 governing view of premises.

[(c)] (d) The court may

(1) permit specified testimony to be read back to the jury upon the jury's request,

(2) charge the jury at any time during the trial,

Official Note: The court is not limited to charging the jury after the closing argument by the attorneys.

(3) make exhibits available to the jury during its deliberations, and

(4) make a written copy of the charge or instructions, or a portion thereof, available to the jury following the oral charge or instructions at the conclusion of evidence for use during its deliberations.

EXPLANATORY COMMENT

The Supreme Court of Pennsylvania has adopted new Rules 220.1 and 220.2 and the amendment of current Rules 220.1 and 223.1. The changes are intended to provide guidance to the bench and bar regarding the use of electronic devices by jurors in civil cases.

The new rules and amendments provide for jurors to be instructed that the use of electronic devices is restricted during their tenure as a prospective juror, i.e. a member of the jury pool, and as a selected juror. The new

provisions require the trial court to instruct jurors that they may not conduct independent research on the Internet about the case, communicate about the case electronically, *e.g.* “tweet” or “blog,” or use such devices during juror service. A trial court is required to instruct jurors at the earliest opportunity of interaction between the juror and the trial court, and then repeat those instructions as often as practicable. The new rules and amendments provide for sanctions against any person who violates the provisions of these rules. It should also be noted that a note to new Rule 220.1 cross-references Section 1.180 of the Pennsylvania Suggested Civil Jury Instructions, Pa. SSJI (Civ), § 1.180. These instructions specifically address the use of electronic devices by jurors.

While the proposal focuses on the use of electronic devices by jurors, it remains silent as to their use in the courtroom by the public and media. Rule of Judicial Administration 1910 outlines the responsibility of a trial court regarding the broadcasting, televising, or taking of photographs in the courtroom in civil proceedings.

*By the Civil Procedural
Rules Committee*

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 15-1364. Filed for public inspection July 24, 2015, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 4 AND 7]

Proposed Amendments of Pa.Rs.Crim.P. 490 and 790

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rules 490 (Procedure for Obtaining Expungement in Summary Cases; Expungement Order) and 790 (Procedure For Obtaining Expungement In Court Cases; Expungement Order) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Jeffrey M. Wasileski, Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
Harrisburg, PA 17106-2635
fax: (717) 231-9521
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, September 4, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural
Rules Committee*

PAUL M. YATRON,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART H. Summary Case Expungement Procedures

Rule 490. Procedure for Obtaining Expungement in Summary Cases; Expungement Order.

(A) *Petition for Expungement*

(1) Except as provided in Rule 320, an individual who satisfies the requirements of 18 Pa.C.S. § 9122 for expungement of a summary case may request expungement by filing a petition with the clerk of the courts of the judicial district in which the charges were disposed.

(2) The petition shall set forth:

(a) the petitioner's name and any aliases that the petitioner has used, address, **and** date of birth[, **and social security number**];

* * * * *

(B) *Objections; Hearing*

* * * * *

(4) If the judge grants the petition for expungement, the judge shall enter an order directing expungement.

(a) The order shall contain the information required in paragraph (C).

(b) [**The**] **Except when the attorney for the Commonwealth has filed a consent to the petition pursuant to paragraph (B)(1), the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the expungement order is stayed pending the disposition of the appeal and further order of court.**

(5) If the judge denies the petition for expungement, the judge shall enter an order denying the petition and stating the reasons for the denial.

(C) *Order*

(1) Every order for expungement shall include:

(a) the petitioner's name and any aliases that the petitioner has used, address, **and** date of birth[, **and social security number**];

* * * * *

Comment

This rule, adopted in 2010, provides the procedures for requesting and ordering expungement in summary cases. Any case in which a summary offense is filed with a misdemeanor, felony, or murder of the first, second, or third degree is a court case (see Rule 103). The petition for expungement of the summary offense in such a case would proceed under Rule 790.

See also Rule 320 for the procedures for expungement following the successful completion of an ARD program in a summary case and Rule 790 for court case expungement procedures.

This rule sets forth the only information that is to be included in every expungement petition and order.

Paragraph (A)(3) requires the petitioner to attach a copy of his or her criminal record to the petition.

[A form petition is to be designed and published by the Administrative Office of Pennsylvania Courts in consultation with the Committee as provided in Rule 104.]

A form petition and form order of expungement has been created by the Administrative Office of Pennsylvania Courts, in consultation with the Committee, and is available at the following website: <http://www.pacourts.us/forms/for-the-public>.

“Petition,” as used in this rule, is a “motion” for purposes of Rules 575, 576, and 577.

* * * * *

Official Note: Adopted September 22, 2010 effective in 90 days; amended , 2015, effective , 2015.

Committee Explanatory Reports:

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Report explaining the proposed amendment regarding the stay on expungement when the Commonwealth has consented and petition and order forms published for comment at 45 Pa.B. 3979 (July 25, 2015).

CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

PART C. Court Case Expungement Procedures

Rule 790. Procedure for Obtaining Expungement in Court Cases; Expungement Order.

(A) *Petition for Expungement*

(1) Except as provided in Rule 320 and 35 P.S. § 780-119, an individual who satisfies the requirements for expungement may request expungement by filing a petition with the clerk of the courts of the judicial district in which the charges were disposed.

(2) The petition shall set forth:

(a) the petitioner’s name and any aliases that the petitioner has used, address, **and** date of birth[, **and social security number**];

* * * * *

(B) *Objections; Hearing*

* * * * *

(4) If the judge grants the petition for expungement, the judge shall enter an order directing expungement.

(a) The order shall contain the information required in paragraph (C).

(b) **[The] Except when the attorney for the Commonwealth has filed a consent to the petition pursuant to paragraph (B)(1), the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal**

is filed, the expungement order is stayed pending the disposition of the appeal and further order of court.

(5) If the judge denies the petition for expungement, the judge shall enter an order denying the petition and stating the reasons for the denial.

(C) *Order*

(1) Every order for expungement shall include:

(a) the petitioner’s name and any aliases that the petitioner has used, address, **and** date of birth[, **and social security number**];

* * * * *

Comment

* * * * *

An order for expungement under The Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-119, also must include the information in paragraph (C).

[A form petition is to be designed and published by the Administrative Office of Pennsylvania Courts in consultation with the Committee as provided in Rule 104.]

A form petition and form order of expungement has been created by the Administrative Office of Pennsylvania Courts, in consultation with the Committee, and is available at the following website: <http://www.pacourts.us/forms/for-the-public>.

“Petition” as used in this rule is a “motion” for purposes of Rules 575, 576, and 577.

* * * * *

Official Note: Adopted September 22, 2010 effective in 90 days; amended , 2015, effective , 2015.

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendment regarding the stay on expungement when the Commonwealth has consented and petition and order forms published for comment at 45 Pa.B. 3979 (July 25, 2015).

REPORT

Proposed amendment of Pa.Rs.Crim.P. 490 and 790

Contents of Expungement Petitions and Orders

Recently, the Committee had considered suggested amendments to the procedures contained in Rules 490 (Procedure for Obtaining Expungement in Summary Cases; Expungement Order) and 790 (Procedure For Obtaining Expungement In Court Cases; Expungement Order). Some of these suggestions related to complaints that it was taking lengthy amounts of time for the Pennsylvania State Police (PSP) to expunge records and to provide criminal history reports required for the expungement petition. As a result, Committee members met with representatives of the PSP to discuss these problems and possible rule changes that might help alleviate the problems. From these discussions, it appeared that most of the problems were of an administrative nature not amenable to correction by rule amendment. However, the PSP representatives suggested two possible changes that might assist their processing of expungement requests.

One of the things that was claimed to contribute to delay was that each county used a different type of expungement order. The PSP suggested that requiring a standard expungement order would help with this problem. The Committee considered this suggestion and noted that the AOPC has developed form petitions and orders for expungements under Rules 490 and 790 that are publically available on the UJS website. Additionally, the Committee noted that this problem has not been reported from other agencies that process large numbers of expungement orders including the AOPC.

The Committee ultimately rejected the idea of requiring one particular form. There was a concern that a petition could be rejected solely on the basis of not being the approved form while still containing the other information necessary for an expungement. The Comments to Rule 490 and 790 already mention the AOPC forms. The Committee concluded that adding a cross-reference to the webpage where the AOPC forms for expungement petitions and orders are found would be helpful to encourage use of the standard forms.

The PSP representatives also suggested removing the requirement of including the defendant's social security number in the expungement order due to identity theft concerns. Prior to the adoption of the current expungement rules, the Committee had considered removing this requirement and had, in 2008, recommended to the Court that the requirement for the defendant's social security number be removed. However, the Committee withdrew that recommendation as a result of communications from the State Police stating that the social security number was needed to ensure the defendant whose record was to be expunged was properly identified. This was particularly so for summary case expungements, because there were fewer defendant- and case-identifiers in such cases. Since that time, it appears that better processes for identifying particular defendants have been put in place and the social security number now is not needed. Therefore, this requirement would be removed from both expungement rules. Since the social security number would no longer be required for the order, similar amendments would remove the requirement to include the social security number in the expungement petition.

Another suggestion received by the Committee was to eliminate, in those cases in which the Commonwealth has filed a consent to the expungement, the 30-day stay on the expungement order provided in Rules 490(B)(4)(b) and 790(B)(4)(b) during which time the Commonwealth may appeal. The consent provisions in Rule 490(B)(1) and 790(B)(1) recognize that the Commonwealth may join in the desire to expedite an expungement. Some of the members believed that it is logical that the stay provision be curtailed where the Commonwealth has consented. On the other hand, some members were concerned about the rare case where the Commonwealth discovers reasons for appeal after having given consent and the stay period is the last chance for the Commonwealth to correct such a mistake before a record is eliminated. The Committee ultimately concluded that the Commonwealth has a responsibility to thoroughly investigate the defendant's circumstances before consenting to expungement in the first place and agreed to add a provision precluding the stay in cases in which the Commonwealth has consented to the expungement.

[Pa.B. Doc. No. 15-1365. Filed for public inspection July 24, 2015, 9:00 a.m.]

[234 PA. CODE CH. 6]

Order Adopting New Rules 626 and 627, Amending Rules 631, 632 and 647, Approving the Revision of the Comment to Rule 646, and Renumbering Rule 630 as Rule 625 of the Rules of Criminal Procedure; No. 464 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 7th day of July, 2015, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 42 Pa.B. 380 (January 21, 2012), and in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 34), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that new Pennsylvania Rules of Criminal Procedure 626 and 627 and the amendments to Pennsylvania Rules of Criminal Procedure 631, 632, and 647 are adopted, the revision to the Comment to Pennsylvania Rule of Criminal Procedure 646 is approved, and Pennsylvania Rule of Criminal Procedure 630 is renumbered to Pennsylvania Rule of Criminal Procedure 625 in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 1, 2015.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

PART C. Jury Procedures

Rule [630] 625. Juror Qualification Form, Lists of Trial Jurors, and Challenge to the Array.

* * * * *

Comment

The qualification, selection, and summoning of prospective jurors, as well as related matters, are generally dealt with in Chapter 45, Subchapters A-C, of the Judicial Code, 42 Pa.C.S. §§ 4501–4503, 4521–4526, 4531–4532. “Law” as used in paragraph (B)(2) of this rule is intended to include these Judicial Code provisions. However, paragraphs (B)(1) and (2) of this rule are intended to supersede the procedures set forth in Section 4526(a) of the Judicial Code and that provision is suspended as being inconsistent with this rule. *See* PA. CONST. art. V[.], § 10; 42 Pa.C.S. § 4526(c). Sections 4526(b) and (d)–(f) of the Judicial Code are not affected by this rule.

Paragraph (A) was amended in 1998 to require that the counties use the juror qualification forms provided for in Section 4521 of the Judicial Code, 42 Pa.C.S. § 4521. It is intended that the attorneys in a case may inspect and copy or photograph the jury lists and the qualification forms for the prospective jurors summoned for their case. The information on the qualification forms is not to be disclosed except as provided by this rule or by statute. This rule is different from Rule 632, which requires that jurors complete the standard, confidential information questionnaire for use during *voir dire*.

Official Note: Adopted January 24, 1968, effective August 1, 1968; Comment revised January 28, 1983, effective July 1, 1983; amended September 15, 1993, effective January 1, 1994; September 15, 1993 amendments suspended December 17, 1993 until further Order of the Court; the September 15, 1993 Order amending Rule 1104 is superseded by the September 18, 1998 Order, and Rule 1104 is amended September 18, 1998, effective July 1, 1999; amended May 14, 1999, effective July 1, 1999; renumbered Rule 630 March 1, 2001, effective April 1, 2001; amended March 28, 2000, effective July 1, 2000; **renumbered Rule 625 July 7, 2015, effective October 1, 2015.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 7, 2015 renumbering of Rule 630 to Rule 625 published with the Court's Order at 45 Pa.B. 3985 (July 25, 2015).

(*Editor's Note:* Rules 626 and 627 are new and printed in regular type to enhance readability.)

Rule 626. Preliminary Instructions to Prospective and Selected Jurors.

(A) For purposes of this rule,

(1) the term "prospective jurors" means those persons who have been chosen to be part of the panel from which the trial jurors and alternate jurors will be selected;

(2) the term "selected jurors" means those members of the panel who have been selected to serve as trial jurors or alternate jurors; and

(3) the term "jury service" means service as (1) members of the jury array, (2) prospective jurors, and (3) selected jurors.

(B) Persons reporting for jury service, upon their arrival for this service, shall be instructed in their duties while serving as prospective jurors and selected jurors.

(C) At a minimum, the persons reporting for jury service shall be instructed that until their service as prospective or selected jurors is concluded, they shall not:

(1) discuss any case in which they have been chosen as prospective jurors or selected jurors with others, including other jurors, except as instructed by the court;

(2) read or listen to any news reports about any such case;

(3) use a computer, cellular phone, or other electronic device with communication capabilities while in attendance at trial or during deliberation. These devices may be used during breaks or recesses but never may be used to obtain or disclose information prohibited in paragraph (C)(4);

(4) use a computer, cellular phone, or other electronic device with communication capabilities, or any other method, to obtain or disclose any information about any case in which they have been chosen as prospective or selected jurors. Information about the case includes, but is not limited to, the following:

(i) information about a party, witness, attorney, judge, or court officer;

(ii) news reports of the case;

(iii) information collected through juror research using such devices about the facts of the case;

(iv) information collected through juror research using such devices on any topics raised or testimony offered by any witness;

(v) information collected through juror research using such devices on any other topic the juror might think would be helpful in deciding the case.

(D) These instructions shall be repeated:

(1) to the prospective jurors at the beginning of *voir dire*;

(2) to the selected jurors at the commencement of the trial;

(3) to the selected jurors prior to deliberations; and

(4) to the selected jurors during trial as the trial judge deems appropriate.

(E) Jurors shall be instructed that they are required to inform the court immediately of any violation of this rule.

Comment

This rule was adopted in 2015 in recognition of the fact that the proliferation of personal communications devices has provided individuals with an unprecedented level of access to information. This access has the potential for abuse by prospective jurors who might be tempted to perform research about a case for which they may be selected. Therefore, the rule requires that prospective jurors be instructed at the earliest possible stage as to their duty to rely solely on information presented in a case and to refrain from discussion about the case, either in person or electronically.

It is recommended that the juror summons also contain the language.

It also is recommended, as an additional means of ensuring adherence, that the judge explain to the prospective jurors the reason for these restrictions. This explanation should include a statement that, in order for the jury system to work as intended, absolute impartiality on the part of the jurors is necessary. Such impartiality is achieved by restricting the information upon which the jurors will base their decision to that which is presented in court.

Official Note: Adopted July 7, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the July 7, 2015 adoption of new Rule 626 regarding instructions to prospective jurors published with the Court's Order at 45 Pa.B. 3985 (July 25, 2015).

Rule 627. Sanctions for Use of Prohibited Electronic Devices.

Any individual who violates the provisions of Rule 112(A) prohibiting recording or broadcasting during a judicial proceeding or who violates the Court's instructions required by Rule 626 regarding the use of electronic devices by jurors or who violates any limitation imposed by a local rule or by the trial judge regarding the prohibited use of electronic devices during court proceedings:

(1) may be found in contempt of court and sanctioned in accordance with 42 Pa.C.S. § 4132 *et seq.*; and

(2) may be subject to sanctions deemed appropriate by the trial judge, including, but not limited to, the confiscation of the electronic device that is used in violation of these rules.

Comment

This rule was adopted in 2015 to make clear that in addition to the penalties for contempt that may be imposed upon an individual who violates these rules or a court-imposed restriction on the use of electronic devices during court proceedings, such devices may be temporarily or permanently confiscated by the court.

Official Note: Adopted July 7, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the July 7, 2015 adoption of new Rule 627 regarding sanctions for use of prohibited communications devices published with the Court's Order at 45 Pa.B. 3985 (July 25, 2015).

PART C(1). Impaneling Jury

Rule 631. Examination and Challenges of Trial Jurors.

(A) *Voir dire* of prospective trial jurors and prospective alternate jurors shall be conducted, and the jurors shall be selected, in the presence of a judge, unless the judge's presence is waived by the attorney for the Commonwealth, the defense attorney, and the defendant, with the judge's consent.

(B) This oath shall be administered individually or collectively to the prospective jurors:

"You do solemnly swear by Almighty God (or do declare and affirm) that you will answer truthfully all questions that may be put to you concerning your qualifications for service as a juror."

(C) Upon completion of the oath, the judge shall instruct the prospective jurors upon their duties and restrictions while serving as jurors, and of any sanctions for violation of those duties and restrictions, including those provided in Rule 626(C) and Rule 627.

[(C)] (D) *Voir dire*, including the judge's ruling on all proposed questions, shall be recorded in full unless the recording is waived. The record will be transcribed only upon written request of either party or order of the judge.

[(D)] (E) Prior to *voir dire*, each prospective juror shall complete the standard, confidential juror information questionnaire as provided in Rule 632. The judge may require the parties to submit in writing a list of proposed questions to be asked of the jurors regarding their qualifications. The judge may permit the defense and the prosecution to conduct the examination of prospective jurors or the judge may conduct the examination. In the latter event, the judge shall permit the defense and the prosecution to supplement the examination by such further inquiry as the judge deems proper.

[(E)] (F) In capital cases, the individual *voir dire* method must be used, unless the defendant waives that alternative. In non-capital cases, the trial judge shall select one of the following alternative methods of *voir dire*, which shall apply to the selection of both jurors and alternates:

(1) INDIVIDUAL VOIR DIRE AND CHALLENGE SYSTEM.

(a) *Voir dire* of prospective jurors shall be conducted individually and may be conducted beyond the hearing and presence of other jurors.

(b) Challenges, both peremptory and for cause, shall be exercised alternately, beginning with the attorney for the

Commonwealth, until all jurors are chosen. Challenges shall be exercised immediately after the prospective juror is examined. Once accepted by all parties, a prospective juror shall not be removed by peremptory challenge. Without declaring a mistrial, a judge may allow a challenge for cause at any time before the jury begins to deliberate, provided sufficient alternates have been selected, or the defendant consents to be tried by a jury of fewer than 12, pursuant to Rule 641.

(2) LIST SYSTEM OF CHALLENGES.

(a) A list of prospective jurors shall be prepared. The list shall contain a sufficient number of prospective jurors to total at least 12, plus the number of alternates to be selected, plus the total number of peremptory challenges (including alternates).

(b) Prospective jurors may be examined collectively or individually regarding their qualifications. If the jurors are examined individually, the examination may be conducted beyond the hearing and presence of other jurors.

(c) Challenges for cause shall be exercised orally as soon as the cause is determined.

(d) When a challenge for cause has been sustained, which brings the total number on the list below the number of 12 plus alternates, plus peremptory challenges (including alternates), additional prospective jurors shall be added to the list.

(e) Each prospective juror subsequently added to the list may be examined as set forth in paragraph [(E)(2)(b)] (F)(2)(b).

(f) When the examination has been completed and all challenges for cause have been exercised, peremptory challenges shall then be exercised by passing the list between prosecution and defense, with the prosecution first striking the name of a prospective juror, followed by the defense, and alternating thereafter until all peremptory challenges have been exhausted. If either party fails to exhaust all peremptory challenges, the jurors last listed shall be stricken. The remaining jurors and alternates shall be seated. No one shall disclose which party peremptorily struck any juror.

Comment

This rule applies to all cases, regardless of potential sentence. Formerly there were separate rules for capital and non-capital cases.

If Alternative [(E)(1)] (F)(1) is used, examination continues until all peremptory challenges are exhausted or until 12 jurors and 2 alternates are accepted. Challenges must be exercised immediately after the prospective juror is questioned. In capital cases, only Alternative [(E)(1)] (F)(1) may be used unless affirmatively waived by all defendants and the Commonwealth, with the approval of the trial judge.

If Alternative [(E)(2)] (F)(2) is used, sufficient jurors are assembled to total 12, plus the number of alternates, plus at least the permitted number of peremptory challenges (including alternates). It may be advisable to assemble additional jurors to encompass challenges for cause. Prospective jurors may be questioned individually, out of the presence of other prospective jurors, as in Alternative [(E)(1)] (F)(1); or prospective jurors may be questioned in the presence of each other. Jurors may be challenged only for cause, as the cause arises. If the challenges for cause reduce the number of prospective

jurors below 12, plus alternates, plus peremptory challenges (including alternates), new prospective jurors are called and they are similarly examined. When the examination is completed, the list is reduced, leaving only 12 jurors to be selected, plus the number of peremptories to be exercised; and sufficient additional names to total the number of alternates, plus the peremptories to be exercised in selecting alternates. The parties then exercise the peremptory challenges by passing the list back and forth and by striking names from the list alternately, beginning with counsel for the prosecution. Under this system, all peremptory challenges must be utilized. Alternates are selected from the remaining names in the same manner. Jurors are not advised by whom each peremptory challenge was exercised. Also, under Alternative [(E)(2)] (F)(2), prospective jurors will not know whether they have been chosen until the challenging process is complete and the roll is called.

This rule requires that prospective jurors be sworn before questioning under either Alternative.

The words in parentheses in the oath shall be inserted when any of the prospective jurors chooses to affirm rather than swear to the oath.

Unless the judge's presence during *voir dire* and the jury selection process is waived pursuant to paragraph (A), the judge must be present in the jury selection room during *voir dire* and the jury selection process.

Pursuant to paragraph [(D)] (E), which was amended in 1998, and Rule 632, prospective jurors are required to complete the standard, confidential juror information questionnaire prior to *voir dire*. This questionnaire, which facilitates and expedites *voir dire*, provides the judge and attorneys with basic background information about the jurors, and is intended to be used as an aid in the oral examination of the jurors.

The point in time prior to *voir dire* that the questionnaires are to be completed is left to the discretion of the local officials. Nothing in this rule is intended to require that the information questionnaires be mailed to jurors before they appear in court pursuant to a jury summons.

See Rule 103 for definitions of "capital case" and "*voir dire*."

Official Note: Adopted January 24, 1968, effective August 1, 1968; amended May 1, 1970, effective May 4, 1970; amended June 30, 1975, effective September 28, 1975. The 1975 amendment combined former Rules 1106 and 1107. Comment revised January 28, 1983, effective July 1, 1983; amended September 15, 1993, effective January 1, 1994. The September 15, 1993 amendments suspended December 17, 1993 until further Order of the Court; amended February 27, 1995, effective July 1, 1995; the September 15, 1993 Order amending Rule 1106 is superseded by the September 18, 1998 Order, and Rule 1106 is amended September 18, 1998, effective July 1, 1999; renumbered Rule 631 and amended March 1, 2000, effective April 1, 2001; **amended July 7, 2015, effective October 1, 2015.**

Committee Explanatory Reports:

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Final Report explaining the July 7, 2015 amendment regarding instructions to the prospective jurors published with the Court's Order at 45 Pa.B. 3985 (July 25, 2015).

Rule 632. Juror Information Questionnaire.

* * * * *

(D) Juror information questionnaires shall be used in conjunction with the examination of the prospective jurors conducted by the judge or counsel pursuant to Rule [631(D)] 631(E).

* * * * *

Comment

This rule requires that, prior to *voir dire* in any criminal case, the prospective jurors, including prospective alternate jurors, must complete the standard, confidential juror information questionnaire required in paragraph (H), and that the trial judge and attorneys must automatically be given copies of the completed questionnaires in time to examine them before *voir dire* begins. Compare Rule [630] 625, which provides that attorneys must request copies of juror qualification forms for the jurors summoned in their case.

Under paragraph (A)(2), it is intended that the president judge of each judicial district may designate procedures for submitting the questionnaire to the jurors and maintaining them upon completion. For example, some districts may choose to mail them along with their jury qualification form, while others may desire to have the questionnaire completed by the panel of prospective jurors when they report for jury service. This rule, however, mandates that the questionnaires be completed by each prospective juror to a criminal case.

Each judicial district must provide the jurors with instructions for completing the form, and inform them of the procedures for maintaining confidentiality of the questionnaires. It is expected that each judicial district will inform the jurors that the questionnaires will only be used for jury selection.

Pursuant to paragraph (C), the juror information questionnaire is not a public record and therefore may not be combined in one form with the qualification questionnaire required by Rule [630] 625. However, nothing in this rule would prohibit the distribution of both questionnaires in the same mailing.

Under paragraph (B), the information provided by the jurors is confidential and may be used only for the purpose of jury selection. Except for disclosures made during *voir dire*, the information in the completed questionnaires may not be disclosed to anyone except the trial judge, the attorneys and any persons assisting the attorneys in jury selection, such as a member of the trial team or a consultant hired to assist in jury selection, the defendant, and any court personnel designated by the judge. Even once disclosed to such persons, however, the information in the questionnaires remains confidential.

Although the defendant may participate in *voir dire* and have access to information from the questionnaire, nothing in this rule is intended to allow a defendant to have a copy of the questionnaire.

Paragraph (D) makes it clear that juror information questionnaires are to be used in conjunction with the oral examination of the prospective jurors, and are not to be used as a substitute for the oral examination. Juror information questionnaires facilitate and expedite the *voir dire* examination by providing the trial judge and attorneys with basic background information about the jurors, thereby eliminating the need for many commonly asked questions. Although nothing in this rule is intended to

preclude oral questioning during *voir dire*, the scope of *voir dire* is within the discretion of the trial judge. *See, e.g., Commonwealth v. McGrew*, 100 A.2d 467 (Pa. 1953) and Rule [631(D)] 631(E).

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Official Note: Former Rule 1107 rescinded September 28, 1975. Present Rule 1107 adopted September 15, 1993, effective January 1, 1994; suspended December 17, 1993 until further Order of the Court; the September 15, 1993 Order is superseded by the September 18, 1998 Order, and present Rule 1107 adopted September 18, 1998, effective July 1, 1999; renumbered Rule 632 and amended March 1, 2000, effective April 1, 2001; amended May 1, 2005, effective August 1, 2005; **amended July 7, 2015, effective October 1, 2015.**

Committee Explanatory Reports:

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Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

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Final Report explaining the July 7, 2015 amendments correcting cross-references to Rules 625 and 631 published with the Court's Order at 45 Pa.B. 3985 (July 25, 2015).

Rule 646. Material Permitted in Possession of the Jury.

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Comment

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See Rule [647(A)] 647(B) (Request for Instructions, Charge to the Jury, and Preliminary Instructions) concerning the content of the charge and written requests for instructions to the jury.

The 1996 amendment adding "or otherwise recorded" in paragraph (C)(2) is not intended to enlarge or modify what constitutes a confession under this rule. Rather, the amendment is only intended to recognize that a confession can be recorded in a variety of ways. *See Commonwealth v. Foster*, 425 Pa.Super. 61, 624 A.2d 144 (1993).

Nothing in this rule is intended to preclude jurors from taking notes during testimony related to a defendant's confession and such notes may be in the jurors' possession during deliberations.

Paragraph (D) was added in 2005 to make it clear that the notes the jurors take pursuant to Rule 644 may be used during deliberations.

Official Note: Rule 1114 adopted January 24, 1968, effective August 1, 1968; amended June 28, 1974, effective September 1, 1974; Comment revised August 12, 1993, effective September 1, 1993; amended January 16, 1996, effective July 1, 1996; amended November 18, 1999, effective January 1, 2000; renumbered Rule 646 March 1, 2000, effective April 1, 2001; amended June 30, 2005, effective August 1, 2005; amended August 7, 2008, effective immediately; amended October 16, 2009, effective February 1, 2010; amended June 21, 2012, effective in 180 days; **Comment revised July 7, 2015, effective October 1, 2015.**

Committee Explanatory Reports:

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Final Report explaining the July 7, 2015 Comment revision correcting a cross-reference to Rule 647 published with the Court's Order at 45 Pa.B. 3985 (July 25, 2015).

Rule 647. Request for Instructions, Charge to the Jury, and Preliminary Instructions.

(A) Before the taking of evidence, the trial judge shall give instructions to the jurors as provided in Rule 626.

[(A)] (B) Any party may submit to the trial judge written requests for instructions to the jury. Such requests shall be submitted within a reasonable time before the closing arguments, and at the same time copies thereof shall be furnished to the other parties. Before closing arguments, the trial judge shall inform the parties on the record of the judge's rulings on all written requests and which instructions shall be submitted to the jury in writing. The trial judge shall charge the jury after the arguments are completed.

[(B)] (C) No portions of the charge nor omissions from the charge may be assigned as error, unless specific objections are made thereto before the jury retires to deliberate. All such objections shall be made beyond the hearing of the jury.

[(C)] (D) After the jury has retired to consider its verdict, additional or correctional instructions may be given by the trial judge in the presence of all parties, except that the defendant's absence without cause shall not preclude proceeding, as provided in Rule 602.

[(D)] (E) The trial judge may give **any other** instructions to the jury before the taking of evidence or at anytime during the trial as the judge deems necessary and appropriate for the jury's guidance in hearing the case.

Comment

Paragraph [(A)] (B), amended in 1985, parallels the procedures in many other jurisdictions which require that the trial judge rule on the parties' written requests for instructions before closing arguments, that the rulings are on the record, and that the judge charge the jury after the closing arguments. *See, e.g., Fed.R.Crim.P. 30; ABA Standards on Trial by Jury, Standard [15-3.6(a)] 15-3.6; Uniform Rule of Criminal Procedure 523(b).*

Pursuant to Rule 646 (Material Permitted in Possession of the Jury), the judge must determine whether to provide the members of the jury with written copies of the portion of the judge's charge on the elements of the offenses, lesser included offenses, and any defense upon which the jury has been instructed for use during deliberations.

Paragraph (A) was added in 2015 to require trial judges to instruct jurors that they are prohibited from using computers or cell phones at trial or during deliberation, and are prohibited from using a computer or other electronic device or any other method to obtain or disclose information about the case when they are not in the courtroom. The amendment prohibits jurors from reading about or listening to news reports about the case and prohibits discussion among jurors until deliberation.

Paragraph [(D)] (E), added in 1985, recognizes the value of jury instructions to juror comprehension of the trial process. It is intended that the trial judge determine on a case by case basis whether instructions before the

taking of evidence or at anytime during trial are appropriate or necessary to assist the jury in hearing the case. The judge should determine what instructions to give based on the particular case, but at a minimum the preliminary instructions should orient the jurors to the trial procedures and to their duties and function as jurors. In addition, it is suggested that the instructions may include such points as note taking, the elements of the crime charged, presumption of innocence, burden of proof, and credibility. Furthermore, if a specific defense is raised by evidence presented during trial, the judge may want to instruct on the elements of the defense immediately after it is presented to enable the jury to properly evaluate the specific defense. *See also* Pennsylvania Suggested Standard Criminal Jury Instructions, Chapter II.

Official Note: Rule 1119 adopted January 24, 1968, effective August 1, 1968; amended April 23, 1985, effective July 1, 1985; renumbered Rule 647 and amended March 1, 2000, effective April 1, 2001; Comment revised June 30, 2005, effective August 1, 2005; amended October 16, 2009, effective February 1, 2010; **amended July 7, 2015, effective October 1, 2015.**

Committee Explanatory Reports:

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Final Report explaining the July 7, 2015 amendment regarding the use of personal communications devices and computers by the jurors published with the Court's Order at 45 Pa.B. 3985 (July 25, 2015).

FINAL REPORT¹

New Pa.Rs.Crim.P. 626 and 627, Amendments to Pa.Rs.Crim.P. 631, 632, and 647, Revision to the Comment to Pa.R.Crim.P. 646, and Renumbering of Pa.R.Crim.P. 630

Personal Electronic Devices in the Courtroom by Jurors

On July 7, 2015, effective October 1, 2015, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted new Rules of Criminal Procedure 626 (Preliminary Instructions to Prospective Jurors) and 627 (Sanctions for Use of Prohibited Electronic Devices), amended Rules 631 (Examination and Challenges of Trial Jurors), 632 (Juror Information Questionnaire) and 647 (Request for Instructions, Charge to the Jury, and Preliminary Instructions), revised the Comment to Rule 646 (Material Permitted in Possession of the Jury), and renumbered Rule 630 (Juror Qualification Form, Lists of Trial Jurors, and Challenge to the Array) to Rule 625 to provide for instructions to prospective and selected jurors concerning the use of personal communications devices during their service. These rule changes had been proposed in conjunction with a similar package of rule changes proposed by the Civil Procedural Rule Committee.²

The increased use of personal electronic devices, often with Internet access, such as the iPhone and iPad, has raised new issues regarding their use in the courtroom. In 2010, the Court wrote to the chairs of the Civil Procedural Rules Committee and the Criminal Procedural Rules Committee alerting the Committees to a number of complaints about problems arising from jurors' inappro-

priate use of electronic devices during their service as jurors. The Court directed both Committees to consider whether any rule changes were warranted to address these problems. As a result, a Joint Subcommittee of the Civil and Criminal Rules Committees was formed to examine the issues that have arisen and determine if any procedural rules changes are needed to address these issues.³ A major part of the Joint Subcommittee examination of these issues was the use of this technology by jurors. Both Committees approved the recommendations of the Joint Subcommittee for publication, which was accomplished on January 21, 2012.⁴

The problems that arise with juror use of these devices are two-fold. The first danger is that a juror will use the device to conduct independent research during a trial. The second problem is the use of these devices to communicate with parties outside the courtroom, either by revealing the nature of the deliberations or other information that a juror should not divulge. The Committees concluded that the best way to approach this problem is through specially tailored jury instructions.

Originally, the Criminal Procedural Rules Committee considered a simple elaboration in the juror instruction rules. However, given the ease of access to information that these devices provide, waiting until a juror is actually seated may be too late in the process. This conclusion was coupled with anecdotal reports that some jurors found to have misused these devices, when confronted, expressed surprise that a ban on outside information included "looking things up on the Internet."

The Committee concluded that intervention, in the form of clear instructions, should be at the earliest stage possible. Therefore, the rule changes provide that prospective jurors be advised upon their first interaction with the courts with frequent repetition concerning the prohibited activity. This includes initial instructions when they first arrive as prospective jurors together with instructions on the juror summons itself. These instructions will be reiterated when they are selected as part of a jury "pool" and finally when they are impaneled jurors. There is also encouragement to the trial judge to issue warnings at recesses to reinforce the restrictions.

The restrictions on jurors prohibit the use of communications devices during court proceedings and in the deliberation room and would also prohibit conducting independent research and discussion of the case outside the deliberation room generally. The jurors are also to receive specific instructions against the use of the Internet by means of cell phone or other electronic device for these prohibited activities.

The Committee concluded that the most logical placement for new criminal rules would be in Chapter 6, Part C, Jury Procedures. In order to provide for sufficient room for the new rules, existing Rule 630 has been renumbered as Rule 625 and the new rules placed after it. The major substantive provisions of these changes are included in a new criminal rule, Rule 626, that describes the type of initial instructions to be given upon a prospective juror's first interaction with the courts and at various stages in the proceedings thereafter. Correlative amendments to Criminal Rule 631 require that these warnings be re-

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

² The changes to the Rules of Civil Procedures that the Court has adopted contemporaneously with these changes created new Civil Rules 220.1 and 220.2, amended and renumbered current Civil Rule 220.1, and amended current Civil Rule 223.1.

³ The Joint Subcommittee was comprised of representatives from both Committees and included a common pleas judge, two prosecutors, and several private practitioners. In addition to juror use of these devices, the Joint Subcommittee also examined the misuse of these devices in the courtroom by others, such as spectators. The Committees concluded that the question of controlling juror usage of these devices involves very different concerns as well as remedies than that of usage by others and therefore, the question has not been addressed in the present rule changes.

⁴ See 42 Pa.B. 380 (January 21, 2012).

peated at the beginning of *voir dire* and amendments to Criminal Rule 647 require the warnings to be repeated at the start of trial.⁵

Another area that the Committee considered was what types of sanctions would be available against jurors who violate this rule. The Committee concluded that the most likely enforcement mechanism would be the contempt of court process with the associated sanctions. However, the Committee wanted to make it clear that the judge has power to confiscate a device that was used to violate the restrictions. Accordingly, new Criminal Rule 627 authorizes the judge to hold someone in contempt for violation of the rules and to confiscate a device that is used to violate the rules.⁶

Finally, Rule 632 was amended to correct cross-references to Rule 631 and the Comment to Rule 647 was revised to correct the cross-reference to now-Rule 625.

[Pa.B. Doc. No. 15-1366. Filed for public inspection July 24, 2015, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1 AND 11]

Order Amending Rules 182 and 1182 of the Rules of Juvenile Court Procedure; No. 668 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 13th day of July, 2015, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 182 and 1182 of the Rules of Juvenile Court Procedure are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 1, 2017.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART D. MASTERS

Rule 182. Qualifications of Master.

A. *Education, Experience, and Training.* To [**be eligible to be appointed as a master to**] preside as a **master** over cases governed by the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, an individual shall:

* * * * *

⁵ The changes to the Rules of Civil Procedure require similar instructions to be provided civil jurors and mirror the proposed Criminal Rules.

⁶ New Criminal Rule 627 also applies to those found in violation of current Rule 112(A) that prohibits recording or broadcasting during a judicial proceeding. As contained in the companion changes to the Rules of Civil Procedure, new Civil Rule 220.2 provides that any person who violates Rule 220.1 may be found in contempt of court and sanctioned in accordance with Section 4132 of the Judicial Code. In addition, the trial judge may also sanction a violator as appropriate including confiscation of the electronic device.

B. *Continuing Education.* [**A**] Upon meeting the requirements of paragraph (A)(3), a master shall **thereafter** complete six hours of instruction from a course(s) designed by the Juvenile Court Judges' Commission, in juvenile delinquency law, policy, or related social science research every two years [**from the initial appointment as master**].

C. *Compliance.*

1) A master shall sign an affidavit attesting that he or she has met the requirements of this rule.

2) Prior to [**appointment**] **presiding** as a master, the **attorney shall send the** affidavit [**shall be sent**] to the President Judge or his or her designee of each judicial district where the attorney is seeking [**appointment**] to **preside** as a master.

3) After submission of the initial affidavit pursuant to paragraph (C)(2), masters shall submit a new affidavit every two years attesting that the continuing education requirements of paragraph (B) have been met.

Comment

* * * * *

Pursuant to paragraph (C), a master is to certify to the court that the requirements of this rule have been met prior to [**the appointment**] **presiding** as a master, and submit new affidavits every two years thereafter.

Official Note: Rule 182 adopted September 11, 2014, amended July 13, 2015, effective [**October 1, 2016**] August 1, 2017.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 182 published with the Court's Order at 45 Pa.B. 3986 (July 25, 2015).

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART D. MASTERS

Rule 1182. Qualifications of Master.

A. *Education, Experience, and Training.* To [**be eligible to be appointed as a master to**] preside as a **master** over cases governed by the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, an individual shall:

* * * * *

B. *Continuing Education.* [**A**] Upon meeting the requirements of paragraph (A)(3), a master shall **thereafter** complete six hours of instruction from a course(s) designed by the Office of Children and Families in the Courts, in juvenile dependency law, policy, or related social science research every two years [**from the initial appointment as master**].

C. *Compliance.*

1) A master shall sign an affidavit attesting that he or she has met the requirements of this rule.

2) Prior to [**appointment**] **presiding** as a master, the **attorney shall send the** affidavit [**shall be sent**] to the President Judge or his or her designee of each judicial district where the attorney is seeking [**appointment**] to **preside** as a master.

3) After submission of the initial affidavit pursuant to paragraph (C)(2), masters shall submit a new affidavit every two years attesting that the continuing education requirements of paragraph (B) have been met.

Comment

* * * * *

Pursuant to paragraph (C), a master is to certify to the court that the requirements of this rule have been met prior to [the appointment] presiding as a master, and submit new affidavits every two years thereafter.

Official Note: Rule 1182 adopted September 11, 2014, amended July 13, 2015, effective [October 1, 2016] August 1, 2017.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1182 published with the Court's Order at 45 Pa.B. 3986 (July 25, 2015).

EXPLANATORY REPORT

Modifications have been made to clarify that new Rules 182 and 1182 were not intended to be drafted as a prospective requirement but a requirement applying to *all* masters, including current masters. To accommodate any confusion caused by these rules, the new rules are now effective August 1, 2017.

[Pa.B. Doc. No. 15-1367. Filed for public inspection July 24, 2015, 9:00 a.m.]

PART I. RULES

[237 PA. CODE CHS. 11—16]

Order Amending Rules 1120, 1210, 1240, 1242, 1330, 1408, 1409, 1512, 1514, 1515, 1608, 1609, 1610, 1611 and 1635 and Adopting New Rule 1149 of the Rules of Juvenile Court Procedure; No. 669 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 13th day of July, 2015, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 43 Pa.B. 6492 (November 2, 2013), in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 77, No. 3, December 6, 2013), and on the Supreme Court's web-page, and an Explanatory Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 1120, 1210, 1240, 1242, 1330, 1408, 1409, 1512, 1514, 1515, 1608, 1609, 1610, 1611, and 1635 and the adoption of new Rule 1149 of the Rules of Juvenile Court Procedure are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 1, 2015.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 1120. Definitions.

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COURT is the Court of Common Pleas, a court of record, which is assigned to hear dependency matters. Court shall include masters when they are permitted to hear cases under these rules. Juvenile court shall have the same meaning as court.

DILIGENT EFFORTS are the comprehensive and ongoing efforts made to identify and locate adult relatives and kin for a child until the permanency goal is achieved.

EDUCATIONAL DECISION MAKER is a responsible adult appointed by the court to make decisions regarding a child's education when the child has no guardian or the court has limited the guardian's right to make such decisions for the child. The educational decision maker acts as the child's representative concerning all matters regarding education unless the court specifically limits the authority of the educational decision maker.

FAMILY FINDING is the ongoing diligent efforts of the county agency, or its contracted providers, to search for and identify adult relatives and kin, and engage them in the county agency's social service planning and delivery of services, including gaining commitment from relatives and kin to support a child or guardian receiving county agency services.

FAMILY SERVICE PLAN is the document in which the county agency sets forth the service objectives for a family and services to be provided to a family by the county agency.

GUARDIAN is any parent, custodian, or other person who has legal custody of a child, or person designated by the court to be a temporary guardian for purposes of a proceeding.

HEALTH CARE is care related to any medical need including physical, mental, and dental health. This term is used in the broadest sense to include any type of health need.

JUDGE is a judge of the Court of Common Pleas.

JUVENILE PROBATION OFFICER is a person who has been appointed by the court or employed by a county's juvenile probation office, and who has been properly commissioned by being sworn in as an officer of the court to exercise the powers and duties set forth in Rule 195, the Juvenile Act, and the Child Protective Services Law.

KIN is a relative of the child through blood or marriage, godparent of the child as recognized through an organized church, a member of the child's tribe or clan, or someone who has a significant positive relationship with the child or the child's family.

KINSHIP CARE is the full-time nurturing and protection of a child who is separated from the child's guardian and placed in the home of a

caregiver who has an existing relationship with the child and/or the child's family.

LAW ENFORCEMENT OFFICER is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

* * * * *

Comment

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An "educational decision maker" is to be appointed by court order. The scope of the appointment is limited to decisions regarding the child's education. The educational decision maker acts as the child's spokesperson on all matters regarding education unless the court specifically limits the authority of the educational decision maker. The educational decision maker holds educational and privacy rights as the child's guardian for purposes of 20 U.S.C. § 1232g and 34 C.F.R. § 99.3. *See also* Rule 1147(C) for the duties and responsibilities of an educational decision maker.

The definition of "family finding" is derived from 62 P.S. § 1302.

Diligence is to include utilizing reasonable resources available when engaging in family finding, never ceasing efforts until multiple relatives and kin are identified, and going beyond basic searching tools by exploring alternative tools and methodologies. "Diligent efforts" is to include, but not limited to, interviews with immediate and extended family and kin, genograms, eco-mapping, case mining, cold calls, and specialized computer searches.

It is insufficient to complete only a basic computer search or attempt to contact known relatives at a last-known address or phone number.

For multiple resources efforts that may be utilized, see Commonwealth of Pennsylvania, Department of Public Welfare, Office of Children, Youth and Families Bulletin, No. 3130-12-03, issued May 11, 2012, effective July 1, 2013; Seneca Family Finding, which may be found at www.familyfinding.org, or Legal Services Initiative, diligent search packet, Statewide Adoption and Permanency Network, which may be found at www.diakon-swan.org.

Supporting a child under the definition of "family finding" means any type of aid, including but not limited to emotional, financial, physical, or psychological aid.

***See also* 62 P.S. § 1301 *et seq.* and 42 U.S.C. § 675 (Fostering Connections) to comply with state and federal regulations.**

For the family service plan, see 55 Pa. Code § 3130.61.

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Official Note: Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended June 24, 2013, effective January 1, 2014. Amended October 21, 2013, effective December 1, 2013. Amended July 28, 2014, effective September 29, 2014. **Amended July 13, 2015, effective October 1, 2015.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1120 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

PART B(1). EDUCATION [AND], HEALTH, AND WELFARE OF CHILD

(Editor's Note: The following rule is new and printed in regular type to enhance readability.)

Rule 1149. Family Finding.

A. Court's inquiry and determination.

1) The court shall inquire as to the efforts made by the county agency to comply with the family finding requirements pursuant to 62 P.S. § 1301 *et seq.*

2) The court shall place its determinations on the record as to whether the county agency has reasonably engaged in family finding.

B. Discontinued family finding. Family finding may be discontinued only if, after a hearing, the court has made a specific determination that:

1) continued family finding no longer serves the best interests of the child;

2) continued family finding is a threat to the child's safety; or

3) the child is in a preadoptive placement and the court proceedings to adopt the child have been commenced pursuant to 23 Pa.C.S. Part III (relating to adoption).

C. Resuming family finding. The county agency shall resume family finding when the court determines that resuming family finding:

1) is best suited to the safety, protection and physical, mental, and moral welfare of the child; and

2) does not pose a threat to the child's safety.

Comment

Pursuant to paragraph (A), efforts by the county agency may include, but are not limited to whether the county agency is or will be: a) searching for and locating adult relatives and kin; b) identifying and building positive connections between the child and the child's relatives and kin; c) when appropriate: i) supporting the engagement of relatives and kin in social service planning and delivery of services; and ii) creating a network of extended family support to assist in remedying the concerns that led to the child becoming involved with the county agency; d) when possible, maintaining family connections; and e) when in the best interests of the child and when possible, keeping siblings together in care.

The extent to which the county agency is involved in the case when a child is still in the home is dependent on several variables and specific to each case. In some instances, the county agency is more involved and actively engaged in family finding because the child needs support services or could be removed from the home. The search in these instances is used to find resources to help keep the child in the home by preventing removal, or to find resources if removal becomes necessary.

See 62 P.S. § 1301 for legislative intent regarding family finding and promotion of kinship care.

Family finding is required for every child when a child is accepted for services by the county agency. *See* 62 P.S. § 1302. It is best practice to find as many kin as possible for each child. These kin may help with care or support for the child. The county agency should ask the guardian,

the child, and siblings about relatives or other adults in the child's life, including key supporters of the child or guardians.

Specific evidence should be provided indicating the steps taken to locate and engage relatives and kin. See Comment to Rule 1120 regarding diligent efforts considerations for locating relatives and kin. When considering the method by which relatives and kin are engaged in service planning and delivery, courts and the parties are encouraged to be creative. Strategies of engagement could include, but are not limited to, inviting relatives and kin to: 1) be involved in a family group decision making conference, family team conferencing, or other family meetings aimed at developing or supporting the family service plan; 2) assist with visitation; 3) assist with transportation; 4) provide respite or child care services; or 5) provide actual kinship care.

Pursuant to paragraph (A)(2), the court is to place its determinations on the record as to whether the county has reasonably engaged in family finding. The level of reasonableness is to be determined by the length of the case and time the county agency has had to begin or continue the process. For example, at the shelter care hearing, the county agency should at least ask the question whether there is family or kin available as a resource. The initial removal of the child is the most critical time in the case. Potential trauma should be considered and ameliorated by family finding efforts as much as possible. Phone calls at this time are reasonable. However, at the dispositional or permanency hearings, the county agency has had more time to engage in a more thorough diligent search as discussed *infra*. See also Rule 1120 and its Comment.

The court's inquiry and determination regarding family finding should be made at each stage of the case, including, but not limited to the entry of an order for protective custody, shelter care hearing, adjudicatory hearing, dispositional hearing, and permanency hearing. See Rules 1210, 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1609, 1610, and 1611, and their Comments.

Paragraph (B)(3) is meant to include notice of intent to adopt, petition to adopt, or voluntary relinquishment of parental rights, or consent to adopt.

Official Note: Rule 1149 adopted July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the provisions to Rule 1149 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT

PART B. EMERGENCY CUSTODY

Rule 1210. Order for Protective Custody.

A. *Application of order.* The application for a court order of protective custody may be orally made; however, the request shall be reduced to writing within twenty-four hours. The request shall set forth reasons for the need of protective custody.

B. *Finding of court.*

1) A child may be taken into protective custody by court order when the court determines that removal of the child is necessary for the welfare and best interests of the child.

2) **At the time the court issues a protective custody order, the court shall inquire as to whether family finding efforts pursuant to Rule 1149 have been initiated by the county agency.**

3) The order may initially be oral, provided that it is reduced to writing within twenty-four hours or the next court business day.

C. *Law enforcement.* The court may authorize a search of the premises by law enforcement or the county agency so that the premises may be entered into without authorization of the owner for the purpose of taking a child into protective custody.

[D. Execution of order. The court shall specify:

- 1) **the limitations of the order;**
- 2) **the manner in which the order is to be executed; and**
- 3) **who shall execute the order.**

E.] D. Contents of order. The court order shall include:

- 1) the name of the child sought to be protected;
- 2) the date of birth of the child, if known;
- 3) the whereabouts of the child, if known;
- 4) the names and addresses of the guardians;
- 5) the reasons for taking the child into protective custody;
- 6) a finding whether reasonable efforts were made to prevent placement of the child; **[and]**
- 7) a finding whether the reasons for keeping the child in shelter care and that remaining in the home is contrary to the welfare and best interests of the child **[.]; and**

8) **findings and orders related to the requirements of Rule 1149 regarding family finding.**

E. Execution of order. The court shall specify:

- 1) **the limitations of the order;**
- 2) **the manner in which the order is to be executed; and**
- 3) **who shall execute the order.**

Comment

See 42 Pa.C.S. § 6324 for statutory provisions concerning taking into custody.

For a discussion of the due process requirements for taking a child into emergency custody, see *Patterson v. Armstrong County Children and Youth Services*, 141 F. Supp. 2d 512 (W.D. Pa. 2001).

The court is to determine whether reasonable efforts, including services and family finding efforts, were made to prevent placement or in the case of an emergency placement where services were not offered and could not have prevented the necessity of placement, whether this level of effort was reasonable due to the emergency nature of the situation, safety considerations and circumstances of the family. 42 Pa.C.S. § 6332.

See also *In re Petition to Compel Cooperation with Child Abuse Investigation*, 875 A.2d 365 (Pa. Super. Ct. 2005).

Pursuant to paragraph (D)(8), the county agency should be looking for family and kin as a resource to aid and assist the family to prevent removal of the child from the home. When removal of the child

is necessary, placement with family and kin will help reduce the potential trauma of the removal from the home. *See* Rule 1149 regarding family finding requirements.

Official Note: Rule 1210 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1210 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

PART C. SHELTER CARE

Rule 1240. Shelter Care Application.

* * * * *

B. *Application contents.* Every shelter care application shall set forth:

* * * * *

6) a statement detailing **family finding efforts and:**

* * * * *

Comment

* * * * *

Pursuant to paragraph (B)(6), the application is to contain a statement detailing the reasonable efforts made to prevent placement and the specific reasons why there are no less restrictive alternatives available. This statement may include information such as: 1) the circumstances of the case; 2) **family finding efforts made by the county agency**; 3) contact with family members or other kin; [3] 4) the child's educational, health care, and disability needs; and [4] 5) any need for emergency actions.

See Rule 1149 regarding family finding requirements.

Official Note: Rule 1240 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1240 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Rule 1242. Shelter Care Hearing.

* * * * *

C. *Findings.* The court shall determine whether:

1) there are sufficient facts in support of the shelter care application;

2) **the county agency has reasonably engaged in family finding;**

[2] 3) custody of the child is warranted after consideration of the following factors:

a) remaining in the home would be contrary to the welfare and best interests of the child;

b) reasonable efforts were made by the county agency to prevent the child's placement;

c) the child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there are no less restrictive alternatives available; and

d) the lack of efforts was reasonable in the case of an emergency placement where services were not offered;

[3] 4) a person, other than the county agency, submitting a shelter care application, is a party to the proceedings; and

[4] 5) there are any special needs of the child that have been identified and that the court deems necessary to address while the child is in shelter care.

D. *Prompt hearing.* The court shall conduct a hearing within seventy-two hours of taking the child into protective custody.

E. *Court order.* At the conclusion of the shelter care hearing, the court shall enter a written order [set] setting forth:

1) its findings pursuant to paragraph (C);

2) any conditions placed upon any party;

3) **any orders regarding family finding pursuant to Rule 1149;**

[3] 4) any orders for placement or temporary care of the child;

[4] 5) any findings or orders necessary to ensure the stability and appropriateness of the child's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147;

[5] 6) any findings or orders necessary to identify, monitor, and address the child's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed; and

[6] 7) any orders of visitation.

Comment

Pursuant to paragraph (B)(4), it is expected that the parties be present. Only upon good cause shown should advanced communication technology be utilized.

Pursuant to paragraph (C), the court is to make a determination that the evidence presented with the shelter care application under Rule 1240 is supported by sufficient facts. After this determination, the court is to determine whether the custody of the child is warranted by requiring a finding that: 1) remaining in the home would be contrary to the health and welfare of the child; 2) reasonable efforts were made by the county agency to prevent the placement of the child; 3) the child was placed in the least restrictive placement available; and 4) if the child was taken into emergency placement without services being offered, the lack of efforts by the county agency was reasonable. Additionally, the court is to state the reasons why there are no less restrictive alternatives available.

Family finding is to be initiated prior to the shelter care hearing. *See* Comment to Rule 1149 as to level of reasonableness.

Pursuant to paragraph (C)(2), the court is to make a determination whether the county agency has reasonably engaged or is to engage in family finding in the case. The county agency will be required to report its diligent family finding efforts

at subsequent hearings. *See* Rule 1149 for requirements of family finding. *See also* Rules 1408(2), 1512(D)(1)(h), 1514(A)(4), 1608(D)(1)(h), and 1610(D) and their Comments for the court's findings as to the county agency's satisfaction of the family finding requirements and Rules 1210(D), 1409(C) and 1609(D) and Comments to Rules 1408, 1409, 1512, 1514, 1515, 1608, 1609, 1610, and 1611 on the court's orders.

Pursuant to paragraph [(C)(3)] (C)(4), the court is to determine whether or not a person is a proper party to the proceedings. Regardless of the court's findings on the party status, the court is to determine if the application is supported by sufficient evidence.

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Official Note: Rule 1242 adopted August 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. **Amended July 13, 2015, effective October 1, 2015.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1242 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

PART C. PETITION

Rule 1330. Petition: Filing, Contents, Function, Aggravated Circumstances.

* * * * *

B. Petition contents. Every petition shall set forth plainly:

- 1) the name of the petitioner;
- 2) the name, date of birth, and address of the child, if known;
- 3) the name and address of the child's guardian, or if unknown, the name and address of the nearest adult relative;
- 4) if a child is Native American, the child's Native American history or affiliation with a tribe;
- 5) a statement that:
 - a) it is in the best interest of the child and the public that the proceedings be brought;
 - b) the child is or is not currently under the supervision of the county agency;
- 6) a statement detailing family finding efforts and, if the county agency is seeking placement:
 - a) the reasonable efforts made to prevent placement; and
 - b) why there are no less restrictive alternatives available;

[6] 7) a concise statement of facts in support of the allegations for which the petition has been filed;

- a) facts for each allegation shall be set forth separately;
- b) the relevant statute or code section shall be set forth specifically for each allegation;

[7] 8) a verification by the petitioner that the facts set forth in the petition are true and correct to the

petitioner's personal knowledge, information, or belief, and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;

[8] 9) the signature of the petitioner and the date of the execution of the petition; and

[9] 10) the whereabouts of the child unless disclosure is prohibited by court order and if taken into custody, the date and time thereof.

C. Aggravated circumstances. A motion for finding of aggravated circumstances may be brought in the petition pursuant to Rule 1701(A).

Comment

Petitions should be filed without unreasonable delay.

Under paragraph (A)(2), a petition is to be filed twenty-four hours after the shelter care hearing if the requirements of (A)(2)(a) and (b) are met. Rule 1800 suspends 42 Pa.C.S. § 6331 only as to the time requirement of when a petition is to be filed.

Additionally, paragraph (A)(2) requires that the county agency file a petition. Any other person, other than the county agency, is to file an application to file a petition under Rule 1320. Rule 1800 suspends 42 Pa.C.S. § 6334, which provides any person may file a petition.

For the safety or welfare of a child or a guardian, the court may order that the addresses of the child or a guardian not be disclosed to specified individuals.

Pursuant to paragraph (B)(6), when the county agency is seeking placement, the petition is to include the reasonable efforts made to prevent placement, including efforts for family finding, and why there are no less restrictive alternatives available. *See* Rule 1149 for family finding requirements. *See also* Rule 1242(C)(2) & (3)(b) & (c) and Comments to Rules 1242, 1409, 1515, 1608, 1609, 1610, and 1611 for reasonable efforts determinations.

If a petition is filed after the county agency has discontinued family finding for non-court cases, the county agency is to aver reasons for the discontinuance in the petition. *See* 62 P. S. § 1302.2(a).

A motion for finding of aggravated circumstances may be brought in a dependency petition. *See* Rule 1701(A). If aggravated circumstances are determined to exist after the filing of a petition, a written motion is to be filed pursuant to Rules 1701 and 1344.

The aggravated circumstances, as defined by 42 Pa.C.S. § 6302, are to be specifically identified in the motion for finding of aggravated circumstances.

Official Note: Rule 1330 adopted August 21, 2006, effective February 1, 2007. **Amended July 13, 2015, effective October 1, 2015.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1330 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

CHAPTER 14. ADJUDICATORY HEARING

Rule 1408. Findings on Petition.

[After] The court shall enter findings, within seven days of hearing the evidence on the petition or

accepting stipulated facts by the parties [**but no later than seven days, the court shall enter a finding**]:

1) by specifying which, if any, allegations in the petition were proved by clear and convincing evidence[.]; and

2) its findings as to whether the county agency has reasonably engaged in family finding as required pursuant to Rule 1149.

Comment

The court is to specify which allegations in the petition are the bases for the finding of dependency.

Pursuant to paragraph (2), the court is to make a determination whether the county agency has reasonably engaged in family finding in the case. The county agency will be required to report its diligent family finding efforts at subsequent hearings. See Rule 1149 for requirements of family finding. See also Rules 1210(D)(8), 1242(E)(3), 1512(D)(1)(h), 1514(A)(4), 1608(D)(1)(h), and 1610(D) and their Comments for the court's findings as to the county agency's satisfaction of the family finding requirements and Rules 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1409, 1512, 1514, 1515, 1608, 1609, 1610, and 1611 on the court's orders.

Official Note: Rule 1408 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1408 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Rule 1409. Adjudication of Dependency and Court Order.

* * * * *

C. *Court order.* The court shall include the following in its court order:

* * * * *

3) Any orders as to any aids in disposition that may assist in the preparation of the dispositional hearing, including orders regarding family finding.

Comment

* * * * *

See also 42 Pa.C.S. §§ 6341 & 6302.

Pursuant to paragraph (C)(3), when making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. See also Rules 1242(C)(2) & (3)(b) & (c) and 1330(B)(6) and Comments to Rules 1242, 1330, 1515, 1608, 1609, 1610, and 1611 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See 62 P.S. § 1301 *et seq.* See also Rules 1242(E)(3) and 1609(D) and Comments to Rules 1242, 1408, 1512, 1514, 1515, 1608, 1609, 1610, and 1611.

Official Note: Rule 1409 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1409 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

CHAPTER 15. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 1512. Dispositional Hearing.

* * * * *

C. *Duties of the court.* The court shall determine on the record [**that**] **whether** the parties have been advised of the following:

- 1) the right to file an appeal;
- 2) the time limits for an appeal; and
- 3) the right to counsel to prepare the appeal.

D. *Court's findings.* The court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1515.

- 1) On the record in open court, the court shall state:

- a) its disposition;
- b) the reasons for its disposition;
- c) the terms, conditions, and limitations of the disposition;

d) the name of any person or the name, type, category, or class of agency, licensed organization, or institution that shall provide care, shelter, and supervision of the child;

e) whether any evaluations, tests, counseling, or treatments are necessary;

f) the permanency plan for the child;

g) the services necessary to achieve the permanency plan;

h) whether the county agency has reasonably satisfied the requirement of Rule 1149 regarding family finding, and if not, the findings and conclusions of the court on why the requirements have not been met by the county agency;

[**h**] i) any findings necessary to ensure the stability and appropriateness of the child's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147;

[**i**] j) any findings necessary to identify, monitor, and address the child's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed; and

[**j**] k) a visitation schedule, including any limitations.

2) The court shall state on the record in open court or enter into the record through the dispositional order, [**a finding**] **findings pursuant to Rule 1514**, if the child is placed[, **that**;].

[**a**] **remaining in the home would be contrary to the welfare, safety, or health of the child;**

b) reasonable efforts were made by the county agency to prevent the child's placement;

c) the child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there are no less restrictive alternatives available; and

d) if preventive services were not offered due to the necessity of an emergency placement, that such lack of services was reasonable under the circumstances.]

Comment

* * * * *

Rule 1608 mandates permanency hearings at least every six months. It is best practice to have three-month hearings to ensure permanency is achieved in a timely fashion and the court is informed of the progress of the case. *See* Comment to Rule 1608.

Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. *See* 62 P.S. § 1301 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1514, 1515, 1608, 1609, 1610, and 1611.

Pursuant to paragraph [(D)(1)(h)] (D)(1)(i), the court is to address the child's educational stability, including the right to an educational decision maker, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519. The court's findings should address the child's right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 24 P.S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the child's transition to independent living pursuant to 42 Pa.C.S. § 6351 if the child is sixteen or older; and 5) a transition plan that addresses the child's educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days.

Pursuant to paragraph [(D)(1)(i)] (D)(1)(j), the court is to address the child's needs concerning health care and disability. The court's findings should address the right of: 1) a child to receive timely and medically appropriate screenings and health care services pursuant to 55 Pa. Code §§ 3700.51 and 3800.32, and 42 U.S.C. § 1396d(r); 2) a child to a transition plan that addresses the child's health care needs, and includes specific options for how the child can obtain health insurance after leaving care pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within 90 days; and 3) a child with disabilities to receive necessary accommodations pursuant to 42 U.S.C. § 12132; 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations

at 45 C.F.R. § 84.1 *et seq.* In addition, the court is to ensure progress and compliance with the child's case plan for the ongoing oversight and coordination of health care services under 42 U.S.C. § 622(b)(15).

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

Pursuant to paragraph [(D)(1)(j)] (D)(1)(k), the court is to include siblings in its visitation schedule. *See* 42 U.S.C. § 671(a)(31), which requires reasonable efforts be made to place siblings together unless it is contrary to the safety or well-being of either sibling and that frequent visitation be assured if joint placement cannot be made.

See Rule 1127 for recording and transcribing of proceedings.

See Rule 1136 for *ex parte* communications.

Official Note: Rule 1512 adopted August 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. **Amended July 13, 2015, effective October 1, 2015.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1512 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Rule 1514. Dispositional Finding Before Removal from Home.

A. Required findings. Prior to entering a dispositional order removing a child from the home, the court shall state on the record in open court the following specific findings:

1) Continuation of the child in the home would be contrary to the welfare, safety, or health of the child;

2) The child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there is no less restrictive alternative available; [and]

3) **If the child has a sibling who is subject to removal from the home, whether reasonable efforts were made prior to the placement of the child to place the siblings together or whether such joint placement is contrary to the safety or well-being of the child or sibling;**

4) **The county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding; and**

[3] 5) One of the following:

a) Reasonable efforts were made prior to the placement of the child to prevent or eliminate the need for removal of the child from the home, if the child has remained in the home pending such disposition; or

b) If preventive services were not offered due to the necessity for emergency placement, whether such lack of services was reasonable under the circumstances; or

c) If the court previously determined that reasonable efforts were not made to prevent the initial removal of the child from the home, whether reasonable efforts are under way to make it possible for the child to return home.

B. *Aggravated circumstances.* If the court has previously found aggravated circumstances to exist and that reasonable efforts to remove the child from the home or to preserve and reunify the family are not required, a finding under paragraphs [(A)(3)(a)] (A)(5)(a) through (c) is not necessary.

Comment

See 42 Pa.C.S. § 6351(b).

Pursuant to paragraph (A)(3), the court is to utilize reasonable efforts in placing siblings together unless it is contrary to the safety or well-being of a child or sibling. 42 U.S.C. § 675 (Fostering Connections).

Pursuant to paragraph (A)(4), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. See 62 P.S. § 1301 *et seq.* See also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1515, 1608, 1609, 1610, and 1611.

Official Note: Rule 1514 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1514 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Rule 1515. Dispositional Order.

* * * * *

Comment

See 42 Pa.C.S. §§ 6310, 6351.

When issuing a dispositional order, the court should issue an order that is "best suited to the safety, protection, and physical, mental, and moral welfare of the child." 42 Pa.C.S. § 6351(a). See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990)), for issues addressing a child's mental and moral welfare.

When making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. See also Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c), and 1330(B)(6) and Comments to Rules 1242, 1330, 1409, 1608, 1609, 1610, and 1611 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See 62 P.S. § 1301 *et seq.* See also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242,

1408, 1409, 1512, 1514, 1608, 1609, 1610, and 1611. 45 C.F.R. § 1356.21 provides a specific foster care provider may not be placed in a court order to be in compliance with and receive funding through the Federal Financial Participation.

Dispositional orders should comport in substantial form and content to the [**Juvenile Court Judges' Commission model orders**] model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see [<http://www.jcjc.state.pa.us> or <http://www.dpw.state.pa.us> or request a copy on diskette directly from the Juvenile Court Judges' Commission, Room 401, Finance Building, Harrisburg, PA 17120] <http://www.pacourts.us/forms/dependency-forms>.

See *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990).

Official Note: Rule 1515 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1515 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART B(2). PERMANENCY HEARING

Rule 1608. Permanency Hearing.

* * * * *

D. Court's findings.

1) *Findings at all six-month hearings.* At the permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1609. On the record in open court, the court shall state:

- the appropriateness of the placement;
- the appropriateness, feasibility, and extent of compliance with the permanency plan developed for the child;
- the appropriateness and feasibility of the current placement goal for the child;
- the likely date by which the placement goal for the child might be achieved;
- whether reasonable efforts were made to finalize the permanency plan in effect;
- whether the county agency has made services available to the guardian, and if not, why those services have not been made available;
- the continued appropriateness of the permanency plan and the concurrent plan;
- whether the county agency has satisfied the requirements of Rule 1149 regarding family finding, and if not, the findings and conclusions of the court on why the requirements have not been met by the county agency;

[h] i) whether the child is safe;

[i] j) if the child has been placed outside the Commonwealth, whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child;

[j] k) the services needed to assist a child who is sixteen years of age or older to make the transition to independent living, including:

i) the specific independent living services or instructions that are currently being provided by the county agency or private provider;

ii) the areas of need in independent living instruction that have been identified by the independent living assessment completed pursuant to the Chafee Act, 42 U.S.C. § 671 *et seq.*;

iii) the independent living services that the child will receive prior to the next permanency review hearing;

iv) whether the child is in the least restrictive, most family-like setting that will enable him to develop independent living skills;

v) the efforts that have been made to develop and maintain connections with supportive adults regardless of placement type;

vi) whether the child is making adequate educational progress to graduate from high school or whether the child is enrolled in another specified educational program that will assist the child in achieving self-sufficiency;

vii) the job readiness services that have been provided to the child and the employment/career goals that have been established;

viii) whether the child has physical health or behavioral health needs that will require continued services into adulthood; and

ix) the steps being taken to ensure that the youth will have stable housing or living arrangements when discharged from care; [and]

[k] l) any educational, health care, and disability needs of the child and the plan to ensure those needs are met[.];

m) if a sibling of a child has been removed from the home and is in a different setting than the child, whether reasonable efforts have been made to place the child and sibling of the child together or whether such joint placement is contrary to the safety or well-being of the child or sibling; and

n) if the child has a sibling, whether visitation of the child with that sibling is occurring no less than twice a month, unless a finding is made that visitation is contrary to the safety or well-being of the child or sibling.

2) *Additional findings for fifteen of last twenty-two months.* If the child has been in placement for fifteen of the last twenty-two months, the court may direct the county agency to file a petition to terminate parental rights.

E. *Advanced communication technology.* Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.

F. *Family Service Plan or Permanency Plan.*

1) The county agency shall review the family service plan or permanency plan at least every six months, including all family finding efforts pursuant to Rule 1149.

2) **The family service plan or permanency plan shall identify which relatives and kin were included in its development and the method of that inclusion.**

3) If the plan is modified, the county agency shall follow the filing and service requirements pursuant to Rule 1345.

4) The parties and when requested, the court, shall be provided with the modified plan at least fifteen days prior to the permanency hearing.

Comment

* * * * *

Every child should have a concurrent plan, which is a secondary plan to be pursued if the primary permanency plan for the child cannot be achieved. *See* Comment to Rule 1512. For example, the primary plan may be reunification with the guardian. If the guardian does not substantially comply with the requirements of the court-ordered services, subsidized legal guardianship may be utilized as the concurrent plan. Because of time requirements, the concurrent plan is to be in place so that permanency may be achieved in a timely manner.

Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding, including the location and engagement of relatives and kin at least every six months, prior to each permanency hearing. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. *See* 62 P.S. § 1301 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1609, and 1611.

When making its determination for reasonable efforts made by the county agency, the court is to consider family finding. *See also* Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c) and 1330(B)(6) and Comments to Rules 1242, 1330, 1409, 1515, 1609, and 1611 for reasonable efforts determinations.

Pursuant to paragraph (D)(2), a “petition to terminate parental rights” is a term of art used pursuant to 23 Pa.C.S. § 2511 and Pa.R.O.C. Rule 15.4 to describe the motion terminating parental rights. This does not refer to the “petition” as defined in Pa.R.J.C.P. 1120.

* * * * *

See 42 U.S.C. § [675 (5)(A)—(H)] 675(5)(A)—(H) for development of a transition plan pursuant to paragraph [(D)(1)(j)] (D)(1)(k).

* * * * *

Official Note: Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. **Amended July 13, 2015, effective October 1, 2015.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 45 Pa.B. 3987 (July 25, 2015).

Rule 1609. Permanency Hearing Orders.

* * * *

D. Orders on family finding.

1) The court order shall indicate whether family finding efforts made by the county agency were reasonable;

2) If the family finding efforts were not reasonable, the court shall order the county agency to engage in family finding prior to the next permanency hearing;

[D.] E. Orders concerning education.

1) The court's order shall address the stability and appropriateness of the child's education; and

2) When appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147.

[E.] F. Orders concerning health care and disability.

1) The court's order shall identify, monitor, and address the child's needs concerning health care and disability; and

2) The court's orders shall authorize evaluations and treatment if parental consent cannot be obtained.

[F.] G. Guardians. The permanency order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

Comment

When issuing a permanency order, the court should issue an order that is "best suited to the safety, protection, and physical, mental, and moral welfare of the child." 42 Pa.C.S. § 6351(a). *See In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990)), for issues addressing a child's mental and moral welfare.

Pursuant to paragraph (D), when making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. *See also* Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c), and 1330(B)(6) and Comments to Rules 1242, 1330, 1409, 1515, 1608, 1610, and 1611 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. *See* 62 P.S. § 1301 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), and 1409(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1610, and 1611.

Pursuant to paragraph [(D)] (E), the court's order is to address the child's educational stability, including the right to an educational decision maker. The order should address the child's right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursu-

ant to 24 P.S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the child's transition to independent living pursuant to 42 Pa.C.S. § 6351 if the child is sixteen or older; and 5) a transition plan that addresses the child's educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days.

Pursuant to paragraph [(E)] (F), the court's order is to address the child's needs concerning health care and disability. The order should address the right of: 1) a child to receive timely and medically appropriate screenings and health care services pursuant to 55 Pa. Code §§ 3700.51 and 3800.32 and 42 U.S.C. § 1396d(r); 2) a child to a transition plan that addresses the child's health care needs, and includes specific options for how the child can obtain health insurance after leaving care pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days; and 3) a child with disabilities to receive necessary accommodations pursuant to 42 U.S.C. § 12132; 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 *et seq.* In addition, the court is to ensure progress and compliance with the child's case plan for the ongoing oversight and coordination of health care services under 42 U.S.C. § 622(b)(15).

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

See Rule 1611 for permanency hearing orders for children over the age of eighteen.

Official Note: Rule 1609 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. **Amended July 13, 2015, effective October 1, 2015.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1609 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Rule 1610. Permanency Hearing for Children over Eighteen.

A. Purpose and timing of hearing. For every case for children over the age of eighteen, the court shall conduct a permanency hearing at least every six months for purposes of determining:

* * * *

2) whether the transition plan of the child is consistent with Rule [1631 (E)(2)] 1631(E)(2);

* * * *

D. Court's findings. At the permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1611. **The court shall make a determination whether the county agency has satisfied the requirements of Rule 1149 regarding family finding, and if not, the**

findings and conclusions of the court on why the requirements have not been met by the county agency.

Comment

* * * * *

See Rule 1128 regarding presence at proceedings and Rule 1136 regarding *ex parte* communications.

Pursuant to paragraph (D), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding, including the location and engagement of relatives and kin at least every six months, prior to each permanency hearing. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. See 62 P.S. § 1301 *et seq.* See also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1609, and 1611.

When making its determination for reasonable efforts made by the county agency, the court is to consider family finding. See also Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c) and 1330(B)(6) and Comments to Rules 1242, 1330, 1409, 1515, 1608, 1609, and 1611 for reasonable efforts determinations.

When the court has resumed jurisdiction pursuant to Rule 1635, the court is to schedule regular permanency hearings. The county agency is to develop a new transition plan for the child.

Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1610 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Rule 1611. Permanency Hearing Orders for Children over Eighteen.

A. *Court order.* After every permanency hearing for children over the age of eighteen, the court shall issue a written order, which provides whether the transition plan is best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. *Determinations made.* The court's order shall reflect the determinations made pursuant to Rule 1610(D).

C. Orders on family finding.

1) The court order shall indicate whether family finding efforts made by the county agency were reasonable;

2) If the family finding efforts were not reasonable, the court shall order the county agency to engage in family finding prior to the next permanency hearing;

[C.] D. *Orders concerning education.* The court's order shall address the stability and appropriateness of the child's education, if applicable, including whether an educational decision maker is appropriate.

[D.] E. *Orders concerning health care and disability.*

1) The court's order shall identify, monitor, and address the child's needs concerning health care and disability; and

2) The court's orders may authorize evaluations and treatment.

Comment

When issuing a permanency order, the court should issue an order that is "best suited to the safety, protection, and physical, mental, and moral welfare of the child." 42 Pa.C.S. § 6351(a). See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990)), for issues addressing a child's mental and moral welfare.

Pursuant to paragraph (C), when making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. See also Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c), and 1330(B)(6) and Comments to Rules 1242, 1330, 1409, 1515, 1608, 1609, and 1610 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See 62 P.S. § 1301 *et seq.* See also Rules 1210(D)(8), 1242(E)(3), and 1409(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1609, and 1610.

Pursuant to paragraph [(C)] (D), the court's order is to address the child's educational stability, including the right to an educational decision maker. The intent of this paragraph is to ensure that the inquiry regarding the appointment of an educational decision maker is considered. Federal and state law requires educational decision makers until the age of twenty-one if an educational decision maker is necessary. See Comment to Rule [1609(D)] 1609(E) and 34 C.F.R. § 300.320(c).

Pursuant to paragraph [(D)] (E), the court's order is to address the child's needs concerning health care and disability. See Comment to Rule [1609(E)] 1609(F).

Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1611 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

PART D. CESSATION OR RESUMPTION OF COURT SUPERVISION OR JURISDICTION

Rule 1635. Hearing on Motion for Resumption of Jurisdiction.

* * * * *

Comment

* * * * *

A master may conduct these hearings. See Rule 1187.

If the court resumes jurisdiction, the county agency is to engage in family finding unless presently or previously discontinued pursuant to Rule 1149(B). See Rules 1608(D)(1)(h) and 1610(D) (court findings at permanency hearing whether the

county agency has satisfied the requirements of Rule 1149 regarding family finding). If family finding was previously discontinued, the county agency may seek to resume family finding efforts pursuant to Rule 1149(C).

Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1635 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

EXPLANATORY REPORT

With the enactment of Act 55 of 2013 (P.L. 169, No. 25), the county agency is required to perform family finding on an ongoing basis in every case. These rule modifications and additions reflect these requirements and ensure the court is inquiring about family finding at each proceeding and making necessary orders to ensure compliance.

Rule 1120

Diligent Efforts, Family Finding, Kin, and Kinship Care have been defined to aid the practitioner in understanding their usage throughout the Rules.

The definition of "Family Finding," is derived from 62 P.S. § 1302.

The Comment to the rule provides examples of resources that may be utilized when performing diligent family finding searches. Counties should be creative when performing searches. Basic computer searches and attempting to contact relatives at last known addresses are insufficient as diligent family finding searches.

Rule 1149

This new rule sets forth the basic requirements of family finding. The court must inquire at each hearing whether the county agency has complied with the family finding requirements and whether it has been reasonably engaged in family finding. *See* paragraph (A).

Efforts made by the county agency should include whether it has or is currently searching for and locating adult relatives and kin; identifying and building positive connections between the child and the child's relatives and kin; when appropriate, supporting the engagement of relatives and kin in social service planning and delivery of services, and creating a network of extended family support to assist in remedying the concerns that led to the child becoming involved with the county agency; when possible, maintaining family connections; and when in the best interests of the child and when possible, keeping siblings together in care.

Paragraph (B) sets forth the requirements for discontinuing family finding and paragraph (C) provides when family finding should be resumed. *See* 62 P.S. § 1301 *et seq.*

Rule 1210

Prior to the initial removal of the child from the home, it is important to inquire whether the county agency has engaged in family finding. Reducing the initial trauma of removal from the home can be alleviated if there is an opportunity to place the child with family or kin when removal is necessary.

The county agency should be prepared to make a showing of its initial family findings efforts before the child is taken into protective custody.

The arrangement of the order of paragraphs (D) and (E) were changed. The contents of the order are now in paragraph (D) and the execution of the order is in paragraph (E).

Pursuant to paragraph (D), the court must place its findings and orders as to family finding in its court order for protective custody.

Rules 1240 & 1330

The shelter care application and the petition must include averments specifically detailing the efforts made by the county agency regarding family findings. Paragraphs (B)(6)(a) & (b) in both Rules 1240 and 1330 require averments addressing reasonable efforts made to prevent placement, including family finding efforts, and why there are no less restrictive alternatives available.

Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1609, 1610 & 1611

The county agency is required to report its diligent family findings efforts at each hearing. The court must make findings as to the county agency's reports to ensure family finding is occurring. A part of the reasonable efforts determination to prevent placement is that the county agency is engaging in family finding. If family finding efforts are not reasonable, the court must enter necessary orders to ensure compliance.

Rule 1512

When a child is placed outside of the home, the court is required to make specific findings. To prevent confusion of the duplicative requirements of Rule 1512(D)(2) and 1514(A), the requirements were deleted from 1512(D)(2) and replaced with a reference to Rule 1514(A), which lists the required finding of the court, including the new findings for Fostering Connections pursuant to paragraph (A)(3) and family findings under paragraph (A)(4).

Rule 1514 & 1608

With Act 115 of 2010 (P.L. 1140, No. 115), the court is required to make a determination that if a sibling of a child has been removed from the home and is in a different setting than the child, whether reasonable efforts have been made to place the child and the sibling of the child together or whether such joint placement is contrary to the safety and well-being of the child or sibling.

If the siblings are not placed together, the court is to order visitation no less than twice a month unless a finding is made that visitation is contrary to the safety or well-being of the child or sibling.

Rule 1611

The references in the Comment were changed to align with the arrangement of the paragraph order in Rule 1609.

Rule 1635

The county agency is to engage in family finding in resumption of jurisdiction cases unless the case was previously discontinued pursuant to Rule 1149(B). Family finding can be resumed if the requirements of Rule 1149(C) are met.

[Pa.B. Doc. No. 15-1368. Filed for public inspection July 24, 2015, 9:00 a.m.]

PART I. RULES**[237 PA. CODE CH. 16]****Proposed Modification to Pa.R.J.C.P. 1608**

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the modification to Pa.R.J.C.P. 1608 governing considerations, requirements, and findings in Another Planned Permanent Living Arrangement (APPLA) cases for children sixteen years of age or older, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Christine Riscili, Counsel
Juvenile Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by September 4, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court
Procedural Rules Committee*

KERITH STRANO TAYLOR,
Vice Chair

(Editor's Note: See page 45 Pa.B. 3987 (July 25, 2015) for Supreme Court Order No. 669 amending Rule 1608.)

Annex A**TITLE 237. JUVENILE RULES****PART I. RULES****Subpart B. DEPENDENCY MATTERS****CHAPTER 16. POST-DISPOSITIONAL PROCEDURES****PART B(2). PERMANENCY HEARING****Rule 1608. Permanency Hearing.**

A. Purpose and timing of hearing. For every case, the court shall conduct a permanency hearing at least every six months for purposes of determining or reviewing:

- 1) the permanency plan of the child;
- 2) the date by which the goal of permanency for the child might be achieved; and

3) whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. Recording. The permanency hearing shall be recorded.

C. Evidence.

1) Any evidence helpful in determining the appropriate course of action, including evidence that was not admissible at the adjudicatory hearing, shall be presented to the court.

2) If a report was submitted pursuant to Rule 1604, the court shall review and consider the report as it would consider all other evidence.

D. Court's findings.

1) *Findings at all six-month hearings.* At [the] each permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1609. On the record in open court, the court shall state:

- a) the appropriateness of the placement;
- b) the appropriateness, feasibility, and extent of compliance with the permanency plan developed for the child;
- c) the appropriateness and feasibility of the current placement goal for the child;
- d) the likely date by which the placement goal for the child might be achieved;
- e) whether reasonable efforts were made to finalize the permanency plan in effect;
- f) whether the county agency has made services available to the guardian, and if not, why those services have not been made available;
- g) the continued appropriateness of the permanency plan and the concurrent plan;
- h) whether the county agency has satisfied the requirements of Rule 1149 regarding family finding, and if not, the findings and conclusions of the court on why the requirements have not been met by the county agency;
- i) whether the child is safe;
- j) if the child has been placed outside the Commonwealth, whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child;
- k) the services needed to assist a child who is sixteen years of age or older to make the transition to independent living, including:
 - i) the specific independent living services or instructions that are currently being provided by the county agency or private provider;
 - ii) the areas of need in independent living instruction that have been identified by the independent living assessment completed pursuant to the Chafee Act, 42 U.S.C. § 671 *et seq.*;
 - iii) the independent living services that the child will receive prior to the next permanency review hearing;
 - iv) whether the child is in the least restrictive, most family-like setting that will enable him to develop independent living skills;
 - v) the efforts that have been made to develop and maintain connections with supportive adults regardless of placement type;

vi) whether the child is making adequate educational progress to graduate from high school or whether the child is enrolled in another specified educational program that will assist the child in achieving self-sufficiency;

vii) the job readiness services that have been provided to the child and the employment/career goals that have been established;

viii) whether the child has physical health or behavioral health needs that will require continued services into adulthood; and

ix) the steps being taken to ensure that the youth will have stable housing or living arrangements when discharged from care;

l) any educational, health care, and disability needs of the child and the plan to ensure those needs are met;

m) if a sibling of a child has been removed from the home and is in a different setting than the child, whether reasonable efforts have been made to place the child and sibling of the child together or whether such joint placement is contrary to the safety or well-being of the child or sibling; and

n) if the child has a sibling, whether visitation of the child with that sibling is occurring no less than twice a month, unless a finding is made that visitation is contrary to the safety or well-being of the child or sibling.

2) Another Planned Permanent Living Arrangement (APPLA) for Children Sixteen Years of Age or Older. At each permanency hearing for a child who is sixteen years or older and has a permanency goal of APPLA, the additional considerations, requirements, and findings shall be made by the court.

a) Additional Considerations. Before making its findings pursuant to paragraph (D)(2)(c), the court shall hear testimony or review evidence obtained as of the date of the hearing and entered into the record concerning the documented county agency's steps taken to ensure that:

i) there has been intensive, ongoing, and unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent;

ii) the foster family home or child-care institution is following the reasonable and prudent parent standard; and

iii) the child has had regular, ongoing opportunities to engage in age and developmentally appropriate activities.

b) Additional Requirements. Before making its findings pursuant to paragraph (D)(2)(c), the court shall ask the child about the child's desired permanency outcome;

c) Additional Findings. At each permanency hearing, based upon the considerations and requirements listed in paragraph (D)(2)(a) & (b) and any other evidence deemed appropriate by the court, the court shall state in open court on the record the following:

i) reasons why APPLA continues to be in the best permanency plan for the child; and

ii) **compelling reasons why it continues to not be in the best interests of the child to return home; be placed for adoption; be placed with a legal guardian; or be placed with a fit and willing relative.**

[2] 3) Additional findings for fifteen of last twenty-two months. If the child has been in placement for fifteen of the last twenty-two months, the court may direct the county agency to file a petition to terminate parental rights.

E. Advanced communication technology. Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.

F. Family Service Plan or Permanency Plan.

1) The county agency shall review the family service plan or permanency plan at least every six months, including all family finding efforts pursuant to Rule 1149.

2) The family service plan or permanency plan shall identify which relatives and kin were included in its development and the method of that inclusion.

3) If the plan is modified, the county agency shall follow the filing and service requirements pursuant to Rule 1345.

4) The parties and when requested, the court, shall be provided with the modified plan at least fifteen days prior to the permanency hearing.

Comment

See 42 Pa.C.S. §§ 6341, 6351.

Permanency planning is a concept whereby children are not relegated to the limbo of spending their childhood in foster homes, but instead, dedicated effort is made by the court and the county agency to rehabilitate and reunite the family in a reasonable time, and failing in this, to free the child for adoption. *In re M.B.*, [449 Pa. Super. 507,] 674 A.2d 702 (Pa. Super. Ct. 1996) quoting *In re Quick*, [384 Pa. Super. 412,] 559 A.2d 42 (Pa. 1989).

To the extent practicable, the judge or master who presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearing for the same child.

Pursuant to paragraph (A), courts are to conduct a permanency hearing every six months. Courts are strongly encouraged to conduct more frequent permanency hearings, such as every three months, when possible.

The court may schedule a three-month hearing or conference. At the three-month hearing, the court should ensure that: 1) services ordered at the dispositional hearing pursuant to Rule 1512 are put into place by the county agency; 2) the guardian who is the subject of the petition is given access to the services ordered; 3) the guardian is cooperating with the court-ordered services; and 4) a concurrent plan is developed if the primary plan may not be achieved.

A three-month hearing or conference is considered best practice for dependency cases and is highly recommended. The court should not wait until six months has elapsed to determine if the case is progressing. Time to achieve permanency is critical in dependency cases. In order to seek reimbursement under Title IV-E of the Social Security Act, 42 U.S.C. § 601 *et seq.*, a full permanency hearing is to be conducted every six months.

Every child should have a concurrent plan, which is a secondary plan to be pursued if the primary permanency plan for the child cannot be achieved. *See* Comment to Rule 1512. For example, the primary plan may be reunification with the guardian. If the guardian does not substantially comply with the requirements of the court-ordered services, subsidized legal guardianship may be utilized as the concurrent plan. Because of time requirements, the concurrent plan is to be in place so that permanency may be achieved in a timely manner.

Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding, including the location and engagement of relatives and kin at least every six months, prior to each permanency hearing. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. *See* 62 P.S. § 1301 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1609, and 1611.

When making its determination for reasonable efforts made by the county agency, the court is to consider family finding. *See also* Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c) and 1330(B)(6) and Comments to Rules 1242, 1330, 1409, 1515, 1609, and 1611 for reasonable efforts determinations.

Pursuant to paragraph (D)(2), additional considerations, requirements, and findings are to be made by the court when conducting a permanency hearing for a child who is sixteen years of age or older and has a permanency plan of APPLA. Under paragraph (D)(2)(a)(i), a fit and willing relative may include adult siblings. Diligent efforts to search for relatives, guardians, or adoptive parents are to be utilized. Pursuant to paragraph (D)(2)(A)(iii), when documenting its steps taken, the county agency is to include how it consulted with the child in an age appropriate manner about the opportunities of the child to participate in the activities. *See* Rule 1120 and Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), 42 U.S.C. § 675 (2014).

Pursuant to paragraph [(D)(2)] (D)(3), a “petition to terminate parental rights” is a term of art used pursuant to 23 Pa.C.S. § 2511 and Pa.R.O.C. Rule 15.4 to describe the motion terminating parental rights. This does not refer to the “petition” as defined in Pa.R.J.C.P. 1120.

The court is to move expeditiously towards permanency. A goal change motion may be filed at any time.

In addition to the permanency hearing contemplated by this rule, courts may also conduct additional and/or more frequent intermittent review hearings or status conferences, which address specific issues based on the circumstances of the case, and which assist the court in ensuring timely permanency.

A President Judge may allow Common Pleas Judges to “wear multiple hats” during a proceeding by conducting a combined hearing on dependency and Orphans’ Court matters. *See* 42 Pa.C.S. § 6351(i); *see also In re Adoption of S.E.G.*, [587 Pa. 568,] 901 A.2d 1017 (Pa. 2006), where involuntary termination occurred prior to a goal change by the county agency.

For family service plan requirements, *see* 55 Pa. Code §§ 3130.61 & 3130.63.

See 42 U.S.C. § 675(5)(A)—(H) for development of a transition plan pursuant to paragraph (D)(1)(k).

See Rule 1136 regarding *ex parte* communications.

See Rule 1610 for permanency hearing for children over the age of eighteen.

* * * * *

EXPLANATORY REPORT

Unless Pennsylvania receives an extension on the implementation date of the new federal legislation, Preventing Sex Trafficking and Strengthening Families Act, P.L. 113-183, on September 29, 2015, several requirements in APPLA cases must be met for children sixteen years of age or older at each permanency hearing. It should be noted that children under the age of sixteen will no longer be permitted to have a permanency plan of APPLA. *See* 42 U.S.C. § 675.

The county agency and the court are required to document, consider, ask, or make certain findings at each permanency hearing. When the county agency documents its requirements pursuant to paragraph (D)(2)(a), the county agency may testify from its case notes or submit a report to the court, whichever the court prefers. If the court requires the county agency to submit a report, the report should be entered into the record and distributed to all parties. It would be advisable for counties to develop a discovery process for these reports. The parties must have the opportunity to cross-exam the caseworker when a report is submitted.

The county agency must document its intensive, ongoing, and unsuccessful efforts to return the child home or secure a placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent. A “fit and willing relative” includes adult siblings. *See* 42 U.S.C. § 675.

Additionally, the county agency must document its steps taken to ensure the child’s foster family home or child-care institution is following the reasonable and prudent parent standard. The “reasonable and prudent parent standard” is defined as the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of the child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the county agency to participate in extracurricular, enrichment, cultural, and social activities. *See* 42 U.S.C. § 675.

Next, the county agency must document that the child has had regular, ongoing opportunities to engage in age or developmentally appropriate activities. “Age and developmentally appropriate activities” is defined as the activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group and in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child. *See* 42 U.S.C. § 675.

The court must consider all the mandated documented steps taken by the county agency listed *supra*. In addition to considering the mandated documented steps placed upon the county agency, the court must ask the child

about the child's desired permanency outcome. Finally, the court shall state in open court on the record the reasons why APPLA continues to be the best permanency plan for the child and the compelling reasons why it continues to not be in the best interests of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative. *See* 42 U.S.C. § 675.

[Pa.B. Doc. No. 15-1369. Filed for public inspection July 24, 2015, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

**Promulgation of Local Rules; No. 1793 S 1989;
AO-10-10-2015**

Order

And Now, this 8th day of July 2015, Dauphin County Local Rule of Criminal Procedure 114 is promulgated as follows:

Rule 114. Orders.

(a) All motions, petitions and answers or responses thereto shall be accompanied by a proposed order (or alternative orders).

(b) The proposed order(s) shall contain a distribution legend which shall include the name(s) and mailing address(es), telephone number(s), facsimile number(s) and e-mail address(es), if any, of all attorneys and/or self-represented parties to be served. The distribution legend shall also list Court Administration, the Sheriff's Office and any other entity that should receive a copy of the order.

These amendments shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 15-1370. Filed for public inspection July 24, 2015, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Revenue

The Executive Board approved a reorganization of the Department of Revenue effective July 8, 2015.

The organization chart at 45 Pa.B. 4004 (July 25, 2015) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 15-1371. Filed for public inspection July 24, 2015, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of State

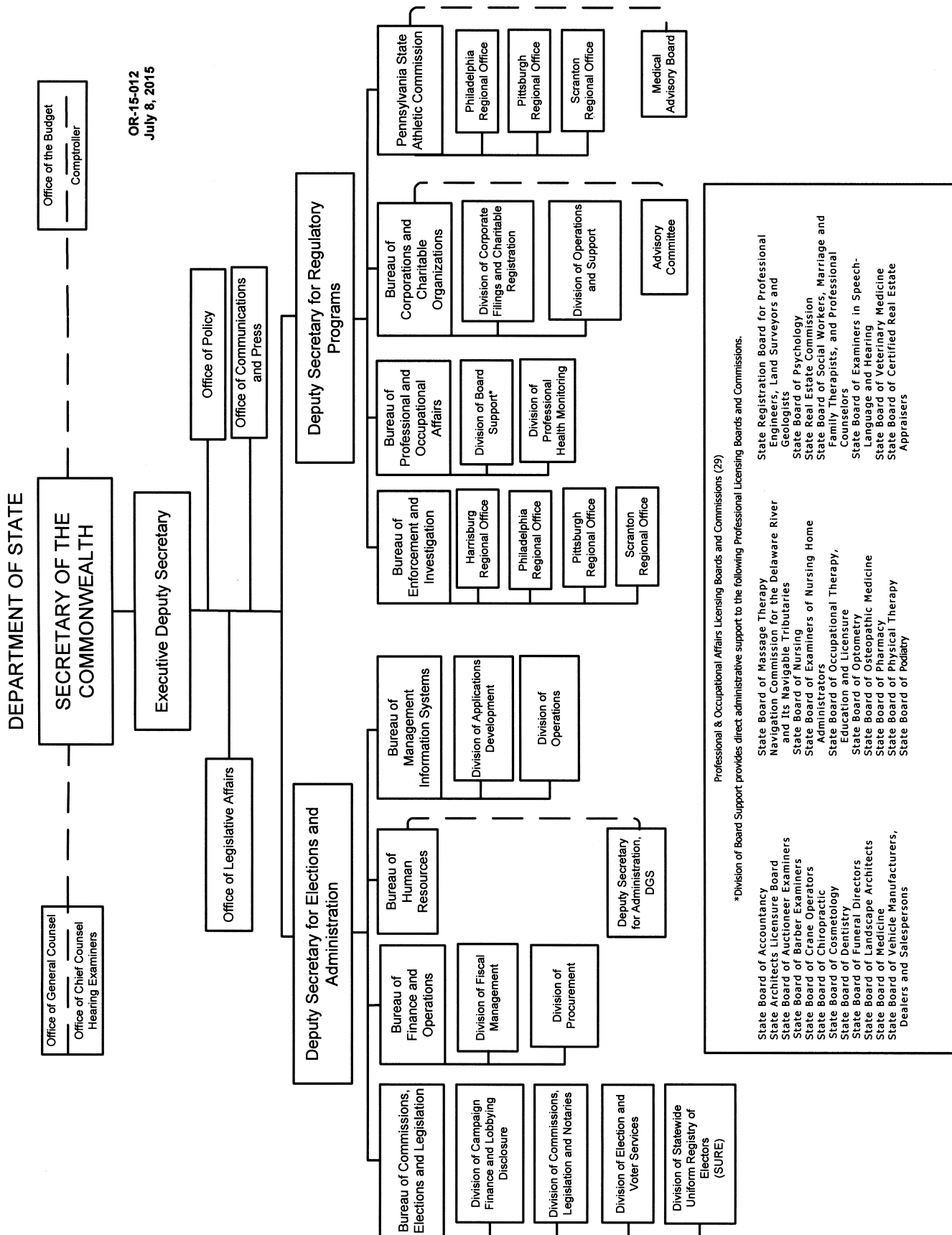
The Executive Board approved a reorganization of the Department of State effective July 8, 2015.

The organization chart at 45 Pa.B. 4005 (July 25, 2015) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 15-1372. Filed for public inspection July 24, 2015, 9:00 a.m.]





NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 14, 2015.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-9-2015	Peoples Security Trust/Wealth Management Company Scranton Lackawanna County Corresponding Agent Daniel G. Murray 301 Carnegie Center, Suite 400 Princeton, NJ 08543	Filed

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-2-2015	Riverview Financial Corporation Halifax Dauphin County Application for approval to acquire 100% of Citizens National Bank of Meyersdale, Meyersdale.	Withdrawn

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-2-2015	Riverview Bank Marysville Perry County Application for approval to merge Citizens National Bank of Meyersdale, Meyersdale, with and into Riverview Bank, Marysville.	Withdrawn

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-7-2015	Elderton State Bank Elderton Armstrong County	1906 River Road North Apollo Armstrong County	Opened
7-9-2015	Meridian Bank Malvern Chester County	1719A Easton Road Doylestown Bucks County	Filed
7-10-2015	Manor Bank Manor Westmoreland County	226 Main Street Irwin Westmoreland County	Approved

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-14-2015	Northwest Savings Bank Warren Warren County	3380 Washington Road Peters Township Washington County	Approved

CREDIT UNIONS**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
7-6-2015	1st Ed Credit Union Chambersburg Franklin County	Filed
	Amendment to Article 8 of the institution's Articles of Incorporation provides for students to be added to the field of membership.	

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 15-1373. Filed for public inspection July 24, 2015, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Community Services Block Grant Program's Proposed State Plan; Public Hearing

The Department of Community and Economic Development (Department) publishes notice of a public hearing to be held at 9 a.m. on Wednesday, August 5, 2015, in PUC Hearing Room 2, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of this hearing is to receive comments on the proposed Pennsylvania Community Services Block Grant (CSBG) Program State Plan (State Plan) for Federal Fiscal Years 2016 and 2017.

The 2016-2017 State Plan will authorize the current formula-based distribution of Federal CSBG funding to each of the 44 designated CSBG agencies in this Commonwealth. The State Plan includes the following:

- Narrative description of the State and agency roles and responsibilities in administering the CSBG Program.
- A listing of the 44 current eligible entities and their service areas.
- Numerous statistical tables reflecting the Commonwealth data pertinent to CSBG service delivery.
- Implementation of the National CSBG organizational standards.

Copies of the 2016-2017 State Plan may be obtained beginning July 27, 2015, by contacting the Department of Community and Economic Development, Center for Community Services, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 425-7597, yadams@pa.gov, or it can be downloaded from the Department's web site at www.newpa.com.

Written comments may be submitted to Lynette Praster, Director, Center for Community Services, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120 until 5 p.m. on August 5, 2015.

Persons with a disability who wish to attend this hearing and require an auxiliary aid, services or other accommodations to participate in the proceedings should contact Yvonne Adams at (717) 425-7597 to discuss how the Department may accommodate their needs.

DENNIS DAVIN,
Secretary

[Pa.B. Doc. No. 15-1374. Filed for public inspection July 24, 2015, 9:00 a.m.]

Second Substantial Amendment to the 2014 Action Plan; Public Meeting

The Department of Community and Economic Development (Department) is amending the Commonwealth's 2014 Action Plan for a second time. The Action Plan is the annual application to the United States Department of Housing and Urban Development (HUD) for Federal funds administered by the Commonwealth. Annually the Department prepares the Action Plan which outlines the method of distribution for Federal funding received by the Department. This Federal funding includes the HOME program. An Action Plan for these funds was finalized and submitted to HUD on July 7, 2014, and an amendment was submitted to HUD on July 1, 2015. The Department is proposing changes to the Method of Distribution for HOME which, according to the Pennsylvania Citizen Participation Plan for the Consolidated Plan, constitute a significant change in the distribution of funds under the HOME program and thus necessitate a substantial amendment to the original Action Plan.

Interested persons may view the substantial amendment at community.newpa.com/ or request a copy following the same procedures as listed under Written Comments.

Public Meeting

The public meeting for the substantial amendment will be conducted electronically by means of the Internet on Wednesday, July 29, 2015. Access to the discussion by means of the Internet will occur between 1 p.m. and 2 p.m. This more widely available computer access will

replace the onsite public meeting. The format will be more accessible than an in-person meeting because those who wish to make comment or discuss policy may participate directly from their electronic device or from a computer located at their public library.

Any individual or organization may give testimony or comments by means of the web about the proposed changes to the HOME program's Method of Distribution for 2014 funding. The Commonwealth encourages public participation in this process.

Anyone who wants to participate must register in advance. Contact Megan L. Snyder at (717) 720-7404 to receive registration instructions for the web meeting at least 24 hours prior to the meeting date. During the meeting, if support is required, call (717) 787-5327. The meeting will be shortened if there is no one to testify or there is minimal response.

Anyone who has a disability or limited English proficiency and wishes to participate in the public meeting

should contact Megan L. Snyder, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD at (717) 346-0308 to discuss how the Department can accommodate their needs.

Written Comments

Written testimony, instead of web testimony, must be submitted by 5 p.m. on Monday, August 3, 2015. Submit comments to Megan L. Snyder, Department of Community and Economic Development, Center for Community Financing, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225, RA-DCED cdbg&homequestions@pa.gov.

DENNIS M. DAVIN,
Secretary

[Pa.B. Doc. No. 15-1375. Filed for public inspection July 24, 2015, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of

this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0058629 (Storm Water)	Francis E. Schultz, Jr., d.b.a. Jamison's Used Auto Parts 529 Flint Hill Road King Of Prussia, PA 19406	Montgomery County Upper Merion Township	Unnamed tributary to Schuylkill River (3-F)	Y

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0209694 (Sewage)	Sherwood Retirement & Personal Care Home 3995 Route 414 Canton, PA 17724	Bradford County Canton Borough	Alba Creek (4-C)	Y

Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0096164 (Sewage)	Living Treasures Animal Park STP Route 711 Donegal, PA 15628	Westmoreland County Donegal Township	Indian Creek (19-E)	Y
PA0218545 (Sewage)	Queecreek 1 Mine Portal STP PO Box 260 Friedens, PA 15541	Somerset County Lincoln Township	Unnamed Tributary to Quemahoning Creek (18-E)	Y

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0025551 (Sewage)	Dew Drop Campground STP Forest Road 262 Warren, PA 16365	Warren County Mead Township	Allegheny Reservoir (16-B)	Y
PA0100927 (Sewage)	Town Terrace Inn 7860 W Ridge Road Fairview, PA 16415	Erie County Fairview Township	Trout Run (15)	Y
PA0102717 (Sewage)	Sandy Hill Estates MHP Sandy Hill Road Middlesex, PA 16059	Butler County Middlesex Township	Glade Run (20-C)	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970

PA0024121 A-2, Sewage, SIC Code 4941, 4952, **Aqua Pennsylvania Wastewater Inc.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010-3489. Facility Name: Aqua PA Media STP. This existing facility is located in Upper Providence Township, **Delaware County**.

Description of Existing Activity: The application is for NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Ridley Creek, is located in State Water Plan watershed 3-G and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD.

Parameters	Mass (lb/day)		Instant. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.3	XXX	1.0
CBOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
CBOD ₅						
May 1 - Oct 31	225	375	XXX	15	25	30
Nov 1 - Apr 30	375	600	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	450	675	XXX	30	45	60
Total Dissolved Solids	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000*
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	30	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	90	XXX	XXX	6.0	XXX	12.0
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Copper	XXX	XXX	XXX	Report	XXX	Report

*Shall not exceed in 10% of samples.

Based on the derivation of a site-specific criterion for copper, according to the Water-Effect Ratio (WER) test results contained in the Media Borough Wastewater Treatment Plant (PA0024121) Copper Water Effect Ratio Study, Ridley Creek, Delaware County, Pennsylvania. April 2014, submitted (April 7, 2014) by Kleinfelder, Princeton, NJ, on behalf of Aqua Pennsylvania Wastewater, Inc, Bryn Mawr, Pennsylvania, and a subsequent reevaluation of reasonable potential, the copper limit for this discharge has been revised to monitor/report. The WER tests were conducted in accordance with the Interim Guidance on Determination and Use of Water-Effect Ratios for Metals (EPA-823-B-94-001, February 1994) and the Streamlined Water-Effect Ratio Procedure for Discharges of Copper (EPA-822-R-01-005, March 2001). The Department approved a final WER of 4.6 for total recoverable copper, which is based on the geometric mean of the water-effect ratio values determined during two bioassay tests conducted on test waters collected on September 9, 2013 and October 21, 2013.

The proposed effluent limits for Outfalls 002 and 003 are based on an average flow of stormwater.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly			Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Chlorine Minimization
- E. Operator Notification
- F. WETT at Renewal
- G. TMDL/WLA Analysis
- H. Fecal Coliform Reporting
- I. Stormwater Condition

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

PA0058211, Storm Water, SIC Code 2911, **Real Property Operations, a series of Evergreen Resources Group, LLC**, 2 Righter Parkway, Suite 200, Wilmington, DE 19803. Facility Name: Read Boyd Farm. This existing facility is located in Upper Chichester Township, **Delaware County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Storm Water.

The receiving stream(s), Marcus Hook Creek, is located in State Water Plan watershed 3-G and is classified for Warm Water Fishes, Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on an average flow of stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Total Aluminum	XXX	XXX	XXX	5.0	XXX	XXX
Total Iron	XXX	XXX	XXX	5.0	XXX	XXX
Total Manganese	XXX	XXX	XXX	1.5	XXX	XXX

The proposed effluent limits for Outfall 002 are based on an average flow of stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Total Aluminum	XXX	XXX	XXX	5.0	XXX	XXX
Total Chromium	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	5.0	XXX	XXX
Total Lead	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	1.5	XXX	XXX

The proposed effluent limits for Outfall 004 are based on an average flow of stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Total Aluminum	XXX	XXX	XXX	5.0	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Daily Maximum</i>	<i>Average Monthly</i>	
Total Iron	XXX	XXX	XXX	5.0	XXX	XXX
Total Lead	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	1.5	XXX	XXX

The proposed effluent limits for Outfall 005 are based on an average flow of stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Daily Maximum</i>	<i>Average Monthly</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Total Aluminum	XXX	XXX	XXX	5.0	XXX	XXX
Total Iron	XXX	XXX	XXX	5.0	XXX	XXX
Total Lead	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 006 are based on an average flow of stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Daily Maximum</i>	<i>Average Monthly</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Total Aluminum	XXX	XXX	XXX	5.0	XXX	XXX
Total Barium	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	5.0	XXX	XXX
Total Lead	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 007 are based on an average flow of stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Daily Maximum</i>	<i>Average Monthly</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Total Aluminum	XXX	XXX	XXX	5.0	XXX	XXX
Total Barium	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	5.0	XXX	XXX
Total Lead	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	1.5	XXX	XXX

The proposed effluent limits for Outfall 009 are based on an average flow of stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Daily Maximum</i>	<i>Average Monthly</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Total Aluminum	XXX	XXX	XXX	5.0	XXX	XXX
Total Iron	XXX	XXX	XXX	5.0	XXX	XXX

In addition, the permit contains the following major special conditions:

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. ELG Reopener
- D. Small Stream
- E. Stormwater Requirement

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0024376, Sewage, SIC Code 4952, **Boyertown Borough**, 100 S Washington Street, Boyertown, PA 19512-1521. Facility Name: Boyertown STP. This existing facility is located in Douglass Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Swamp Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.75 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.34	XXX	1.1
CBOD ₅	125	188	XXX	20	30	40
CBOD ₅ Influent	Report	XXX	XXX	Report	XXX	XXX
BOD ₅ Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	125	188	XXX	20	30	40
Total Dissolved Solids	6,255	15,637 Daily Max	XXX	1,000	2,000 Daily Max	2,500
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen						
May 1 - Oct 31	10	XXX	XXX	1.6	XXX	3.2
Nov 1 - Apr 30	30	XXX	XXX	4.8	XXX	9.6
Total Phosphorus	9.4	XXX	XXX	1.5	XXX	3.0
Total Copper	Report	XXX	XXX	Report	XXX	XXX

In addition, the permit contains the following major special conditions:

- Right of Entry
- Transfer of Permits
- Property Rights
- Duty to reapply

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0026689, Sewage, SIC Code 4952, **Philadelphia Water Department**, 1101 Market Street 5th Floor, Philadelphia, PA 19107-2994. Facility Name: Philadelphia Water Department Ne WPCP. This existing facility is located in Philadelphia City, **Philadelphia County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Delaware River, Frankford Creek, Pennypack Creek, Tacony Creek, Unnamed Tributary to Delaware River, Unnamed Tributary to Pennypack Creek and Unnamed Tributary to Tacony Creek, is located in State Water Plan watershed 3-J and is classified for Warm Water Fishes, Migratory Fishes, Warm Water Fishes, Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 210 MGDs.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	Report	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Color (Pt-Co Units)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
CBOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
CBOD ₅	36,430	54,645	XXX	25	40 Wkly Avg	50
BOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
CBOD ₂₀	71,760	XXX	XXX	XXX	XXX	XXX
CBOD ₅						
Minimum Percent Removal	XXX	XXX	86	XXX	XXX	XXX
Total Suspended Solids	52,540	78,810	XXX	30	45 Wkly Avg	60
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
TSS Minimum Percent Removal	XXX	XXX	85	XXX	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Specific Conductance *						
(µmhos/cm)	XXX	XXX	XXX	Report	Report	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000**
Ammonia-Nitrogen	XXX	XXX	XXX	35	Report	70
Nitrate as N	XXX	XXX	XXX	Report	Report	XXX
Nitrite as N	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Total Copper	XXX	XXX	XXX	Report	XXX	XXX
Dissolved Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Mercury	XXX	XXX	XXX	Report	XXX	XXX
Total Zinc	XXX	XXX	XXX	Report	XXX	XXX
4,4-DDD	XXX	XXX	XXX	Report	XXX	XXX
4,4-DDT	XXX	XXX	XXX	Report	XXX	XXX
4,4-DDE	XXX	XXX	XXX	Report	XXX	XXX
Benzidine	XXX	XXX	XXX	Report	XXX	XXX
Chlordane	XXX	XXX	XXX	Report	XXX	XXX
1,2-Dichloroethane	XXX	XXX	XXX	Report	XXX	XXX
gamma-BHC	XXX	XXX	XXX	Report	XXX	XXX
Heptachlor	XXX	XXX	XXX	Report	XXX	XXX
Tetrachloroethylene	XXX	XXX	XXX	Report	XXX	XXX
Trichloroethylene	XXX	XXX	XXX	Report	XXX	XXX
PCBs						
(Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report Max	XXX
(Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report Max	XXX
Chronic Toxicity—						
Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Acute Toxicity—						
Ceriodaphnia Survival (TUa)	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity—						
Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Acute Toxicity—						
Pimephales Survival (TUa)	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity—						
Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

* Specific conductance shall be measured from the same sample taken for TDS.

** Shall not exceed in more than 10% samples tested.

The proposed effluent limits for Outfall 061 are based on stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limitations for Combined Sewer Overflow Outfalls 002—008, 010—052 and 058—060 as follows:

All discharges of floating materials, oil, grease, scum, foam, sheen, and substances which produce color, tastes, odors, turbidity or settle to form deposits shall be controlled to level which will not be initial or harmful to the water uses to be protected or to human, plant or aquatic life.

In addition, the permit contains the following major special conditions:

- I.
 - A. Stormwater Discharge
 - B. Necessary Property Rights
 - C. Sludge Disposal
 - D. 86% CBOD₅ reduction
 - E. CBOD₅ reduction
 - F. Toxic Approved Test Methods
 - G. TRC
 - H. TMDL/WLA Analysis
 - I. O&M Plan
 - J. Act 11 Notification
 - K. Sampler equipment
 - L. Effluent and influent sampling
 - M. Methods for exceeding 315 MGD flow
- II. Stormwater Requirements
- III. POTW Pretreatment Program Implementation
- IV. Combined Sewer Overflows
- V. PCB Minimization Plan and Monitoring
- VI. Whole Effluent Toxicity Testing

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0038415, Sewage, SIC Code 4952, **East Pennsboro Township Cumberland County**, 98 South Enola Drive, Enola, PA 17025. Facility Name: East Pennsboro Township STP. This existing facility is located in East Pennsboro Township, **Cumberland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.4 MGDs.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
CBOD ₅	917	1,467 Wkly Avg	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	1,100	1,651 Wkly Avg	XXX	30	45	60
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	293	XXX	XXX	8.0	XXX	16
Total Phosphorus	61	XXX	XXX	2.0	XXX	4.0
Total Copper	1.9	XXX	XXX	0.05	XXX	0.12
Total Zinc	15	XXX	XXX	0.42	XXX	1.05
Acute Toxicity—						
Ceriodaphnia Survival (TUa)	XXX	XXX	XXX	XXX	1.0 Daily Max	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	72,206			
Net Total Phosphorus	Report	9,589			

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

In addition, the permit contains the following major special conditions:

- Total Nitrogen offsets of 650 lbs/year toward compliance with the Annual Net TN mass load limitation based on connection of 26 on-lot sewage disposal systems to the public sewer after January 1, 2003.
- Solids Management
- Whole Effluent Toxicity (WET)
- Stormwater

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.0530.

PA0034576, Sewage, SIC Code 4952, **Towanda Borough Municipal Authority Bradford County**, 724 Main Street, Towanda, PA 18848-1616. Facility Name: Towanda Municipal Authority. This existing facility is located in Towanda Borough, **Bradford County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 4-C and is classified for Warm Water Fishes, Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.16 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅	242	387	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	290	435	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
UV Dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	21,187			
Net Total Phosphorus	Report	2,825			

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* The permittee is authorized to use 6,725 lbs/year of Total Nitrogen Offsets toward compliance with the Annual Net TN mass load limitation (Cap Load).

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.

PA0254991, SIC Code 8811, **Melanie Muehlbauer**, 446 Main Street, Clarksville, PA 15332. Facility Name: Muehlbauer SRSTP Properties. This proposed facility is located in East Bethlehem Township, **Washington County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sanitary sewage.

The receiving stream, Tenmile Creek, is located in State Water Plan watershed 19-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	0.0004	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	XXX	XXX	XXX	10	XXX	20

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
				Geo Mean		

The EPA Waiver is in effect.

PA0254941, SIC Code 8811, **Miller Cheryl**, 5715 Clay Pike, Chandlersville, OH 43727. Facility Name: Cheryl Miller SFTF Properties. This proposed facility is located in Moon Township, **Allegheny County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream(s), Unnamed Tributary to Flaugherty Run, is located in State Water Plan watershed 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	0.0004	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

PA0272949, Sewage, SIC Code 4952, **Hamlin Township McKean County**, PO Box 235, Hazel Hurst, PA 16733. Facility Name: Hamlin Township Kushequa STP. This proposed facility is located in Hamlin Township, **McKean County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Municipal Sewage.

The receiving stream, the Kinzua Creek, is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
CBOD ₅	4.1	XXX	XXX	25	XXX	50
Total Suspended Solids	5.0	XXX	XXX	30	XXX	60
BOD ₅						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	4.1	XXX	XXX	25	XXX	Report
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

In addition, the permit contains the following major special conditions:

- Requirement to Use eDMR System
- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900

WQM Permit No. 0915403, Sewage, **Chalfont New Britian Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901-2666.

This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Action/Activity: Rerate capacity from 6.0 to 7.0 mgds, adding a 5th pump for back-up, modify sludge for sludge holding tanks.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. WQG02581501, Sewage, **Scranton City Sewer Authority Lackawanna County**, 312 Adams Ave, Scranton, PA 18503.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity: A sewer extension to eliminate The Leggett Street Combined Sewer Overflow.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Dr, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

WQM Permit No. 6315404, Sewage, **Melanie Muehlbauer**, 446 Main St, Clarksville, PA 15332.

This proposed facility is located in East Bethlehem Township, **Washington County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. WQG01201504, Sewage, **Jennifer & Justin McLaren**, 12981 Raymond Dr, Meadville, PA 16335.

This proposed facility is located in East Mead Township, **Crawford County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI011515015	John H. Reilly, III P. O. Box 529 Glenside, PA 19038-1939	Chester	Willistown Township	Crum Creek HQ-CWF
PAI011515013	Robert Landis 1346 Village Lane Chester Springs, PA 19425	Chester	West Pikeland Township	Pickering Creek HQ-TSF
PAI012315008	PECO 2301 Market Street, S7-2 Philadelphia, PA 19101	Delaware	Lower Chichester Township And Trainer Borough	Naamans Creek WWF-MF Marcus Hook Creek WWF-MF

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Lackawanna County Conservation District, 1038 Montdale Road, Suite 109, Scott Twp., PA 18447

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI023515002	Mt. Cobb DG, LLC 361 Summit Blvd, Suite 110 Birmingham, AL 35243	Lackawanna	Jefferson Township	West Branch Wallenpaupack Creek (HQ-CWF, MF)

Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360-0917

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024515004	Mount Pocono Municipal Authority 1361 Pocono Blvd, Suite 101 Mount Pocono, PA 18344	Monroe	Mount Pocono Borough Paradise Township	Forest Hills Run (HQ-CWF, MF) UNT to Indian Run (EV)

Pike County Conservation District, 556 Route 402, Hawley, PA 18428

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESP025215001	Hemlock Farms Community Association 1007 Hemlock Farms Lords Valley, PA 18428	Pike	Blooming Grove Township Porter Township Dingman Township	UNT to York Creek (EV, MF) UNT to McConnell Creek (EV, MF) UNT to Rock Hill Creek (EV) UNT to Shohola Creek (EV, MF) UNT to Bushkill Creek (EV)

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036715001	Pritz Auto Body 1243 Roosevelt Avenue York, PA 17404	York	Shrewsbury and Springfield Townships	Seaks Run (HQ-CWF)
PAI033615007	Brad Byers 1116 Deaver Road Quarryville, PA 17566	Lancaster	Drumore Township	POI-A Fishing Creek (HQ-CWF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041415007	Mark & Olga Levi 196 Potters Ln Port Matilda, PA 16870	Centre	Patton Township	UNT Buffalo Run HQ-CWF

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should

include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

APPLICATIONS

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Benner's Swine Barn LLC. 56 Platt Hollow Road Thompsontown, PA 17094	Juniata	546	573.84	Swine	NA	Renewal
Steve Good 1415 Lime Valley Road Lancaster, PA 17602	Lancaster	140	512.31	Broiler/Dairy	NA	Renewal
Gary Pfleegor 560 Goodman Road Lewisburg, PA 17837	Union	1,600	583.54	Swine	NA	Renewal (Crop Year 2016-2018)
Keith Heimback 129 Don Packard Rd Granville Summit, PA 16926	Bradford	324.9	677.93	Swine Beef Bison	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Central Office: Bureau Director, Bureau of Safe Drinking Water, P. O. Box 8467, Harrisburg, PA 17105-8467

Permit No. [9996510], Public Water Supply.

Applicant	[Ice River Springs Water Company, Inc.]
[Township or Borough]	[Feversham, Ontario, Canada]
Responsible Official	[Alexandra Gott]
Type of Facility	[Out of State Bottled Water System]
Application Received Date	[July 6, 2015]
Description of Action	[Applicant requesting a permit amendment to approve a distilled water product for sell in Pennsylvania. Bottled water to be sold in Pennsylvania under the brand names: Ice River Springs Natural Spring Water and America's Choice Distilled Water.]

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Application No. 4015510MA, Public Water Supply.

Applicant	PA American Water 800 W. Hershey Park Drive Hershey, PA. 17033
[Township or Borough]	Pittston Township Luzerne County
Responsible Official	Mr. David Kaufman Vice President-Engineering
Type of Facility	Public Water Supply

Consulting Engineer Mr. Timothy J. Glessner, PE
Gennett Fleming, Inc.
P. O. Box 67100
Harrisburg, PA 17106-7100

Application Received Date July 06, 2015

Description of Action This project is for construction of a lagoon effluent recycle pump station and cast-in-place concrete trench drain for Nesbitt Water Treatment Plant.

Application No. 5815501, Public Water Supply.

Applicant **PA American Water**
800 W. Hershey Park Drive
Hershey, PA. 17033

[Township or Borough] Thompson Borough
Susquehanna County

Responsible Official Mr. David Kaufman
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Mr. Peter J. Keenan, PE
1025 Laurel Oak Road
Voorhees, NJ 08043

Application Received Date July 17, 2015

Description of Action This application is for increase in the pumping capacity of Thompson Well 1 and installation of a new treatment facility and storage tank for Thompson Water Treatment Plant.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for con-

tamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

AERC Recycling Solutions Facility, 2591 Mitchell Avenue, City of Allentown, **Lehigh County**. Environmental Consulting Inc., 2002 Renaissance Boulevard, King of Prussia, PA 19406, on behalf of AERC Recycling Solutions, 2591 Mitchell Avenue, Allentown, PA 18103, submitted a Notice of Intent to Remediate concerning remediation of site soils contaminated with mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Allentown School District Media Center, 1249 South Roth Avenue, City of Allentown, **Lehigh County**. Element Environmental Solutions Inc., 61 Willow Street, P. O. Box 921, Adamstown, PA 19501, on behalf of Allentown School District, 1301 Sumner Avenue, Allentown, PA 18102, submitted a Notice of Intent to Remediate. Soil contamination was due to historical bulk petroleum storage operations at the site. The Notice of Intent to Remediate was published in *The Morning Call* on April 1, 2014.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Zimmer-Naef Property, 98 Millers Gap Road, Enola, PA, Silver Spring Township, **Cumberland County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Carrie Zimmer-Naef and Hans Naef, 98 Millers Gap Road, Enola, PA 17025, submitted a Notice of Intent to Remediate site soils contaminated with #2 fuel oil. The release also affected properties at 78 and 80 Millers Gap Road. The site will be remediated to

the Residential Statewide Health Standard and remain residential. The Notice of Intent to Remediate was published in *The Sentinel* on June 16, 2015.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

General Permit No. WMGR044NE002. Monroe County Recycling & Alternative Fuel LLC, 2213 Shafer Rd., Stroudsburg, PA 18360. An application was received for Determination of Applicability (DOA) for the processing prior to beneficial use of construction and demolition waste to produce a fuel. The facility is located in Hamilton Township, **Monroe County**. The application for Determination of Applicability was received in the Regional Office on April 24, 2015, and was deemed administratively complete on July 10, 2015.

Persons interested in obtaining more information about the Determination of Applicability application may contact Jeffrey Spaide, Environmental Engineer Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1519 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

Public comments must be submitted within 60 days of the publication of this notice, and these comments may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

Permit Application No. 101243. Northern Tier Solid Waste Authority, P.O. Box 10, Burlington, PA 18814, West Burlington Township, **Bradford County**. Major permit modification for expansion of the landfill by approximately 23 acres and redevelop existing Fields 1 and 3. This will extend life by 29 years and the capacity by 4,500,000 cubic yards. The application was received by Northcentral Regional Office on June 22, 2015. An LMIP meeting will be scheduled.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of

this notice and may recommend revisions to, and approval or denial of the application.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Permit Application No. 100585. Northwest Sanitary Landfill, 1436 West Sunbury Road, West Sunbury, PA 16061; Clay Township; **Butler County**. A permit renewal application for the continued operation of this municipal waste landfill was received on March 20, 2015. The applicant is seeking another 10 years of operation within the remaining permit area previously approval and without changing any current permit conditions. The application was accepted as complete by the Northwest Regional Office on July 7, 2015.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office at (814) 332-6945. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received.

Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P. S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920

09-0232: Sigmapharm Laboratories LLC, (3375 Progress Drive, Bensalem, PA 19020) for the usage of Isopropyl Alcohol (IPA) for clean-up operations at the facility located in Bensalem Township, **Bucks County**. The facility does not maintain any other air quality permits. The facility has a potential to emit 6.42 tons volatile organic compounds (VOCs) per year from the clean-up operations. All emissions from the clean-up operations are fugitive. The plan approval contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328

25-923A: Erie Power, LLC (131 Varick St., Suite 1006, New York, NY 10013) for installation of a 1,000 kW diesel-fired emergency generator at their facility in North East Township, **Erie County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 25-923A to Erie Power, LLC for the installation of a 1,000 kW diesel-fired emergency genera-

tor at the company's facility located at 10915 Ackerman Lane, North East Township, Erie County.

The facility currently has a Title V permit No. 25-00923. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and DEP's own analysis, the proposed source will result in potential emissions of 3.67 tons of nitrogen oxides (NO_x), 0.10 ton of carbon monoxide, 0.01 ton of volatile organic compounds (VOC), 0.01 ton of particulate matter, and 0.14 ton of sulfur oxides (SO_x) per year. The proposed source will be required to comply with the applicable provisions of 40 CFR 60 Subpart IIII [Standards of Performance for Stationary Compression Ignition Internal Combustion Engines], which include emission limits, fuel content requirements, recordkeeping, and work practice requirements.

Proposed BAT for this installation will be meeting the emission and work practice requirements of 40 CFR 60 Subpart IIII, and good engineering and combustion practices. The Plan Approval will contain additional testing, monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, Identification of the proposed Plan Approval; No. 25-923A and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Edward Orris, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6636.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

23-00044: Sunoco Partners Marketing and Terminals, LP—Marcus Hook (No. 2) Tank Farm (7 Commerce Road, Aston, PA 19014) in Upper Chichester

Township, **Delaware County**. This action is a renewal of the Title V Operating Permit which was initially issued on November 13, 1995. The facility's main sources of emissions include twelve (12) internal floating roof and two (2) external floating roof tanks which store various petroleum products, a wastewater separator and fugitive emissions. The facility is subject to the applicable standards of 40 CFR 63 Subpart R. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

40-00019: Cascades Tissue Group PA, Inc. (901 Sathers Drive, Pittston, PA 18640-9589) The Department intends to issue a renewal Title V Operating Permit for a paper products facility in Pittston Township, **Luzerne County**. Sources at the facility include paper converting equipment and flexographic printers. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

36-05028: CNH America LLC (500 Diller Avenue, New Holland, PA 17557) to issue a Title V Operating Permit for the hay tool manufacturing facility located in New Holland Borough, **Lancaster County**. The actual emissions from the facility in 2013 year are estimated at 11.10 tpy of CO, 12.80 tpy of NO_x, 2.90 tpy of PM₁₀, 4.94 tpy of SO_x, 76.00 tpy of VOCs and 0.07 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52 Surface Coating Processes, 40 CFR Part 63 Subpart MMMM—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products, 40 CFR Part 63 Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers and Process Heaters and 40 CFR Part 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

36-05027: R. R. Donnelley & Sons, Co. (216 Greenfield Road, Lancaster, PA 17601-5885) for operation of printing presses controlled by regenerative thermal oxidizers and a solvent recovery system at their Lancaster East facility in Lancaster City, Lancaster County. Actual emissions from the facility in 2013 were estimated at 38.05 tons CO, 20.17 tons NO_x, 1.58 ton PM₁₀, 1.58 ton PM_{2.5}, 0.53 ton SO_x, 256.92 tons VOC, 170.23 tons of a single HAP (toluene), and 178.12 tons of combined HAPs. The Title V Operating Permit will include emission limits and work practice standards along with monitoring,

recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.67, 129.67b and 129.77, 40 CFR 60, Subpart QQ—Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing, 40 CFR 63, Subpart KK—National Emission Standards for the Printing and Publishing Industry, 40 CFR 60, Subpart QQ—Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing, 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, & 40 CFR 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00019: Lockheed Martin Corporation (230 Mall Blvd, King of Prussia, PA 19406) located in Upper Merion Township, **Montgomery County**. This action is for the issuance of a renewal Synthetic Minor Operating Permit. The facility elected to take a 24.9 ton per year limit on NO_x emissions. The facility is primarily involved in Computer programming Services, Guided missile and space vehicle manufacturing. Lockheed Martin operates boilers, generators, and other lab equipment. The permit contains all applicable requirements including monitoring, recordkeeping and reporting.

15-00115: QVC, Inc. (1200 Wilson Dr. MC 169, West Chester, PA 19380) for a renewal of State-only (Synthetic Minor) Operating Permit for the retail trade facility in West Goshen Township, **Chester County**. The Operating Permit renewal will contain all applicable state and federal regulations applicable to the facility including emission limitations, operating restrictions, work practice, monitoring, and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

23-00051: Riddle Memorial Hospital (1068 W Baltimore Pike, Media, PA 19063) for continued operation of a hospital in Middletown Township, **Delaware County**. This initial permit is for a non-Title V (State only) facility. The major source of air emissions are: three (3) gas-fired boilers and six (6) diesel-fired emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00157: DANA Driveshaft Products, LLC. (1040 Center Avenue, Pottstown, PA 19464-6007) for operation of a metal machining operation in Pottstown Borough, **Montgomery County**. The renewal permit is for a non-Title V (State only) facility. The major source of air emissions are: spray and dip coating operations, and parts washers. New applicable regulations are 40 CFR 63, Subpart ZZZZ and 25 Pa. Code Chapter 130, Subchapter C (Architectural and Maintenance Coatings). The renewal permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

48-00092: ASSA ABOLY Service Center (1000 Conroy Place, Easton, PA 18040) for the operation of a paint coating operation in Forks Township, **Northampton County**. The source(s) consist of one spray booth. The particulate emissions are controlled by panel filters. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

52-00004: Dingmans Ferry Stone, Inc. (P. O. Box 686, Dingsman Ferry, PA 18328) for the operation of a stone crushing and processing operation in Delaware Township, **Pike County**. The sources consist of two (2) stone crushers and four (4) screens. The particulate emissions are controlled by water sprays. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

36-03052: Boose Aluminum Foundry Co. Inc. (77 N. Reamstown Road, Reamstown, PA 17567) to issue a State Only Operating Permit for the aluminum foundry located in East Cocalico Township, **Lancaster County**. The potential emissions from the facility are estimated at 10.0 tpy of PM₁₀, 41.4 tpy of VOCs and 4.5 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

06-05020: Craft-Maid Kitchens, Inc. (501 South 9th Street, Building C, Reading, PA 19602) to issue a State-Only Operating Permit for their wood furniture manufacturing operation in the City of Reading, **Berks County**. The primary emissions from the facility are in the form of volatile organic compounds (VOCs) at 7.8 tons per year (tpy), and combined hazardous air pollutants (HAPs) at 1.65 tpy. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes:

the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

30753712 and NPDES No. PA0215724. Emerald Coal Resources, L.P., (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370). To renew the permit for the Emerald Mine No. 1—Coal Refuse Disposal Facility No. 1 in Franklin Township, **Greene County** and related NPDES permit. No additional discharges. The application was considered administratively complete on July 8, 2015. Application received June 12, 2015.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 56890115 and NPDES No. PA0598666, PBS Coals, Inc., 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface & auger mine to change the land use from Cropland to Industrial/Commercial in Brothersvalley Township, **Somerset County**, affecting 299.2 acres. Receiving streams: unnamed tributaries to/and Blue Lick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 6, 2015.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17900104 and NPDES PA0116939. RES Coal LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Permit renewal for continued operation and restoration of a bituminous surface and auger mine located in Brady and Bell Townships, **Clearfield County** affecting 537.6 acres. Receiving stream(s): Buck Run and Beech Run classified for the following use(s): HQ-CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: June 24, 2015.

14743007 and NPDES PA0610691. Keystone Industries (1915 Wigmore Street, Jacksonville, FL 32206). Permit renewal for continued passive treatment system on a bituminous surface mine located in Snow Shoe Township, **Centre County** affecting 344.7 acres. Receiving stream(s): Unnamed Tributaries to Beech Creek and Logway Run and Council Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: June 29, 2015.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

Permit No. 54090101R. Premium Fine Coal, Inc., (PO Box 268, Tamaqua, PA 18252), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Blythe Township, **Schuylkill County** affecting 429.2 acres, receiving stream: Silver Creek, classified for the following uses: cold water and migratory fishes. Application received: June 22, 2015.

Permit No. 54763209R6. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite coal refuse reprocessing and coal refuse disposal operation in Butler Township and Ashland

Borough, **Schuylkill County** affecting 109.0 acres, receiving stream: Mahanoy Creek, classified for the following uses: warm water and migratory fishes. Application received: July 1, 2015.

Permit No. 54803204R6. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite coal refuse reprocessing operation in Butler Township and Ashland Borough, **Schuylkill County** and Conyngham Township, **Columbia County** affecting 24.6 acres, receiving stream: unnamed tributary to Mahanoy Creek, classified for the following uses: warm water and migratory fishes. Application received: July 1, 2015.

Permit No. 54773006R6. Reading Anthracite Company, (PO Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine and coal refuse disposal operation in Cass, Foser and New Castle Townships, **Schuylkill County** affecting 3,038.0 acres, receiving stream: West Branch Schuylkill River, classified for the following use: cold water fishes. Application received: July 2, 2015.

Permit No. 54793206R6. Reading Anthracite Company, (PO Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and coal preparation plant operation in Mahanoy Township, **Schuylkill County** affecting 3,038.0 acres, receiving stream: Mahanoy Creek, classified for the following use: warm water fishes. Application received: July 7, 2015.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

26140401 and NPDES Permit No. PA0278149. Laurel Aggregates of Delaware, LLC (250 Lakewood Center, Morgantown, WV 26508). Application for commencement, operation and restoration of a large noncoal surface mine, located in Springhill Township, **Fayette County**, affecting 197 acres. Application also includes a request for a Section 401 Water Quality Certification. Receiving streams: Rubles Run and unnamed tributaries to Rubles Run, classified for the following use: CWF. The potable water supplies with intake within 10 miles downstream from the point of discharge: Albert Gallatin Municipal Authority and Point Marion Borough Water Service. Application received: June 22, 2015.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

Alkalinity greater than acidity*

*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

NPDES No. PA0235814 (Mining Permit No. 56071301), RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541). A renewal to the NPDES and mining activity permit for the Horning Deep Mine in Stoneycreek Township, **Somerset County**. Surface Acres Affected 116.4. Receiving stream: Glades Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on January 16, 2014. Application received November 7, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The facility location of the non-discharge alternatives are listed below:

* The following limitations apply to dry weather discharges from the stormwater facility.

*Outfall 001** discharges to: Glades Creek

The proposed effluent limits for *Outfall 001*** (Lat: 39° 59' 01" Long: 78° 57' 09") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	-	-
Iron	(mg/l)		3.0	6.0	7.0
Manganese	(mg/l)		2.0	4.0	5.0
Aluminum	(mg/l)		-	-	REPORT
Total Suspended Solids	(mg/l)		35	70	90
Sulfates	(mg/l)		-	-	REPORT
Total Dissolved Solids	(mg/l)		-	-	REPORT

** The following limitations apply to discharges from stormwater facilities resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event.

*Outfall 001*** discharges to: Glades Creek

The proposed effluent limits for *Outfall 001*** (Lat: 39° 59' 01" Long: 78° 57' 09") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	-	-
Iron	(mg/l)		-	-	7.0
Settleable Solids	(ml/l)		-	-	0.5
Manganese	(mg/l)			Monitor and Report	
Aluminum	(mg/l)			Monitor and Report	
Sulfates	(mg/l)			Monitor and Report	

* The following limitations apply to dry weather discharges from the stormwater facility.

*Outfall 002** discharges to: Glades Creek

The proposed effluent limits for *Outfall 002** (Lat: 39° 58' 57" Long: 78° 56' 57") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	-	-
Iron	(mg/l)		3.0	6.0	7.0
Manganese	(mg/l)		2.0	4.0	5.0
Aluminum	(mg/l)		-	-	REPORT
Total Suspended Solids	(mg/l)		35	70	90
Sulfates	(mg/l)		-	-	REPORT
Total Dissolved Solids	(mg/l)		-	-	REPORT

** The following limitations apply to discharges from stormwater facilities resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event.

*Outfall 002*** discharges to: Glades Creek

The proposed effluent limits for *Outfall 002*** (Lat: 39° 58' 57" Long: 78° 56' 57") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)			Monitor and Report	
Iron	(mg/l)		-	-	7.0
Settleable Solids	(ml/l)		-	-	0.5
Manganese	(mg/l)			Monitor and Report	
Aluminum	(mg/l)			Monitor and Report	
Sulfates	(mg/l)			Monitor and Report	

Outfall 003 discharges to: Glades Creek

The proposed effluent limits for *Outfall 003* (Lat: 39° 59' 00" Long: 78° 57' 01") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)				2.16
Iron	(mg/l)		1.5	3.0	3.8
Manganese	(mg/l)		1.0	2.0	2.5

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Aluminum	(mg/l)		0.75	0.75	0.75
Total Suspended Solids	(mg/l)		35	70	90
Sulfates	(mg/l)			Monitoring and Report	
Osmotic Pressure	(mos/kg)		50	100	125
Specific Conductance	(umho)			Monitoring and Report	
Total Dissolved Solids	(mg/l)			Monitoring and Report	

NPDES No. PA0215724 (Mining Permit No. 30753712), Emerald Coal Resources, L.P., (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370). A renewal to the NPDES and mining activity permit for the Emerald Mine No. 1—Coal Refuse Disposal Facility No. 1 in Franklin Township, **Greene County**. Surface Acres Affected 176.8. Receiving stream: Unnamed Tributary to Smith Creek, classified for the following use: WWF. Monongahela River Basin. The application was considered administratively complete on July 8, 2015. Application received June 12, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The facility location of the non-discharge alternatives are listed below:

Outfall 001 discharges to: UNT Smith Creek

The proposed effluent limits for *Outfall 001* (Lat: 39° 53' 04" Long: 80° 11' 47") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	-	-
Iron	(mg/l)		1.5	3.0	3.8
Manganese	(mg/l)		1.0	2.0	2.5
Aluminum	(mg/l)		0.75	0.75	0.75
Suspended Solids	(mg/l)		35	70	90
Osmotic Pressure	(mos/kg)		50	50	50
Sulfates	(mg/l)		250	250	250
Chlorides	(mg/l)		179	358	448
Total Dissolved Solids	(mg/l)		500	778	1,255
Selenium	(mg/l)		-	-	REPORT
Bromide	(mg/l)		-	-	REPORT

NPDES No. PA0213527 (Mining Permit No. 30841317), Consol Pennsylvania Coal Company LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323). A revision to the NPDES and mining activity permit for the Enlow Fork Mine in Richhill Township, **Greene County**, East Finley Township, Washington County for new NPDES discharge point for the F27 Bleeder Site. Surface Acres Affected 29.1. Receiving stream: Unnamed Tributary to Buffalo Creek, classified for the following use: HQ-WWF. The application was considered administratively complete on May 28, 2015. Application received February 27, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The facility location of the non-discharge alternatives are listed below:

Outfall 036 discharges to: UNT 32979 to Buffalo Creek

The proposed effluent limits for *Outfall 036* (Lat: 40° 06' 52.3" Long: 80° 22' 38.7") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		-	-	-
Iron	(mg/l)		3.0	6.0	7.5
Suspended Solids	(mg/l)		35	70	90
Manganese	(mg/l)		2.0	4.0	5.0
Aluminum	(mg/l)			Monitor and Report	

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

NPDES No. PA0213004 (Mining Permit No. 32950201), Cambria Reclamation Corporation, 2929 Allen Parkway, Suite 2200, Houston, TX 77019 renewal of an NPDES permit for the continued operation and restoration of a bituminous surface and coal refuse reprocessing mine in White and Rayne Townships, **Indiana County**, affecting 256 acres. Receiving streams: unnamed tributaries to/and McKee Run, classified for the following use: Cold Water Fishes. The permit lies within the Crooked Creek Watershed TMDL. There are no potable water supply intakes within 10 miles downstream. Application received: May 6, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The treatment facility outfall listed below discharges to an unnamed tributary to McKee Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
TF-1	N

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfalls: TF-1</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	2.8	5.6	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	22.0	44.0	57.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times.			

The stormwater outfalls listed below discharge to an unnamed tributary to/and McKee Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
SP-1	N
SP-2	N
Trap-1	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: SP-1, SP-2 and Trap-1</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	22.0	44.0	57.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: SP-1, SP-2 and Trap-1</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0248801 (Mining Permit No. 32000108), River Hill Coal Company Inc., P. O. Box 141, Kylertown, PA 16847, renewal of an NPDES permit for bituminous surface mining in West Wheatfield Township, **Indiana County**, affecting 759.2 acres. Receiving streams: unnamed tributary E and Roaring Run to Conemaugh River classified for the following use: warm water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: July 7, 2014.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfalls listed below discharge to Roaring Run to Conemaugh River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Pond T-1)	N
011 (Sedimentation Pond #1)	N
013 (Sedimentation Pond #3)	N
015 (Sedimentation Pond #5)	N

The outfalls listed below discharge to Unnamed Tributary E to Conemaugh River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
014 (Sedimentation Pond #4)	N
050 (Sedimentation Pond #33)	N
051 (Sedimentation Pond #34)	N

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate

the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted

before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E40-766. Jason Bower, 500 Long Run Road, Drums, PA 18222, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing 2,173 sq. ft. lakehouse/dock and to construct and maintain a 2,680 sq. ft. lakehouse/dock in Harveys Lake (HQ-CWF). The project is located at Pole 72 along Lakeside Drive in Harveys Lake Borough, Luzerne County (Harveys Lake, PA Quadrangle, Latitude: 41°21'19"; Longitude: -76°2'24").

E58-313. Tennessee Gas Pipeline Company, L.L.C., 1001 Louisiana Street, Suite 1000, Houston, TX 77002, in Lenox and Clifford Townships, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain 28 water obstructions and encroachments in and along Unnamed tributaries to Tower Branch (CWF, MF), Partners Creek (CWF, MF), Sterling Brook Creek (CWF, MF), Nine Partners Creek (CWF, MF), Tunkhannock Creek (CWF, MF) and unnamed Tributaries thereof, Mud Pond (CWF, MF), unnamed tributaries to Lake Idlewild (CWF, MF), and impacting approximately 536 linear feet of wetlands (PEM, PFO, PSS). This work is associated with Tennessee Gas Pipeline Company's Triad Expansion Project which includes the installation of approximately 7 miles of 36-inch pipeline in Susquehanna County, Pennsylvania. The project begins on the south side of Forest Street approximately 0.30 mile east of the its intersection with Bennett Road in Lenox Township and ends on the west side of State Route 0374 approximately 0.50 mile northeast of the its intersection with State Route 2069 in Clifford Township (Lenox & Clifford Townships, PA Quadrangle, Latitude: Begin: 41.713445; End: 41.711774; Longitude: Begin: -75.725361; End: -75.596717).

E45-596. Mount Pocono Municipal Authority, 1361 Pocono Boulevard, Suite 101, Mount Pocono, PA 18344, in Mount Pocono Borough, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Mount Pocono Municipal Authority Treatment Plant Improvement project:

1. A concrete encased 14-inch HPDE sanitary line across Forest Hills Run (HQ-CWF, MF) and adjacent wetlands.

2. A 6-inch HDPE sanitary line across an existing 36-inch CMP culvert in a UNT to Indian Run (EV, MF).

3. A 3-inch HDPE electrical line across an existing 36-inch CMP culvert in a UNT to Indian Run (EV, MF).

4. Three new outfall structures (HWW2, HWW3, HWS1) in the floodway of Forest Hills Run (HQ-CWF, MF) consisting of a 24-inch and two 15-inch pipes with concrete headwalls and rip rap aprons.

5. Improvements to existing outfall 001 to Forest Hills Run (HQ-CWF, MF) which include limited excavation, re-grading and construction of an effluent box over the outfall within the watercourse to prevent accumulation of debris.

6. Three permanent temperature monitoring stations consisting of a 6-foot by 10-foot fenced area with monitoring equipment located within the floodway Forest Hills Run (HQ-CWF, MF) and stream probes permanently fixed to the stream bed which are waived activities as per § 105.12(a)(12).

Approximately 0.04 acre of wetland will be permanently impacted for the project.

The project is located approximately 0.7 mile south of Route 611 and Route 940 intersection (Mount Pocono, PA Quadrangle, Latitude: 41°6'51"; Longitude: -75°21'15").

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E31-233: PennDOT Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Cromwell Township, **Huntingdon County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing structures and to install and maintain a 144-linear foot 43-foot 4.5-inches wide bridge over Aughwick Creek (TSF, MF) along SR 0994 SEC 10B. The project proposes to directly affect 144 linear feet of stream channel with permanent impacts to 0.092 acre of wetlands (PSS), 0.006 acre of wetlands (PFO) and, 0.025 acre of wetlands (PEM). The project will temporarily impact 0.007 acre of wetlands (PFO) and 0.02 acre of wetlands (PEM). Permanent impacts to project area wetlands will be mitigated through the use of the Whitsel Advance Wetland Compensation Site located within the Aughwick Creek Sub-Basin.

E05-382: PennDOT Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Juniata & Harrison Townships, **Bedford County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing structures and to install and maintain a 86-linear foot long, 37-foot 4.5-inches wide pre-stressed PA bulb-tee beam bridge over Raystown Branch Juniata River (TSF, MF) along SR 0031 SEC 9B in Juniata & Harrison Townships, Bedford County (Latitude: Begin: 40.111111; End: 40.111111; Longitude: Begin: -78.916667; End: -78.916667).

tude: 40° 0' 22.4'; Longitude: -78° 40' 30.1") for the purpose of improving roadway safety. The project proposes to permanently impact 115 linear feet of stream channel and 0.032 acre of wetlands and temporarily impact 146 linear feet of stream channel and 0.007 acre of wetlands. The permanent impacts to wetlands are considered de minimus and compensatory mitigation is not required.

E07-457 Dawn M. Thompson, P. O. Box 1893, Altoona, PA, 16603 in Logan Township, **Blair County**, U.S. Army Corps of Engineers Baltimore District.

To 1) remove the existing partially constructed bridge structure and abutments at the west and upstream side of the property which was constructed without a permit and restore the stream banks, and 2) remove the existing bridge structure and install and maintain in its place a 12-foot wide bridge with a 24.5-foot clear span with rip rap scour protection and fill placed in the bridge approaches in the floodway in and across Homer Gap Run (WWF, MF) all for the purpose of constructing a residential home South of Homer Gap Road and Ponderosa Drive (Altoona, PA Quadrangle; Latitude: 40° 33' 26"N; Longitude: 78° 22' 47.4"W).

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5729-082: Appalachia Midstream Services, LLC, 400 1st Center, Suite 404, Horseheads, NY, 14845 Fox Township, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

(1) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 4,325 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Grover, PA Quadrangle 41°32'29"N, 76°45'36"W);

(2) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 1,236 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Grover, PA Quadrangle 41°32'31"N, 76°45'16"W);

(3) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 814 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 208 linear feet of Fall Run (EV) (Grover, PA Quadrangle 41°32'32"N, 76°45'8"W);

(4) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 224 linear feet of an unnamed tributary to Fall Run (EV) (Grover, PA Quadrangle 41°32'33"N, 76°45'6"W);

(5) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 825 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°32'30"N, 76°44'51"W);

(6) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 806 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°32'31"N, 76°44'48"W);

(7) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 613 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°32'34"N, 76°44'44"W);

(8) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 122 linear feet of an unnamed tributary to Hoagland Branch (EV) (Shunk, PA Quadrangle 41°32'34"N, 76°44'38"W);

(9) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 122 linear feet of an unnamed tributary to Hoagland Branch (EV) (Shunk, PA Quadrangle 41°32'34"N, 76°44'38"W);

(10) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 386 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 201 linear feet of Hoagland Branch (EV) (Shunk, PA Quadrangle 41°32'34"N, 76°44'37"W);

(11) A temporary road crossing using timber mats impacting 978 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°32'32"N, 76°44'36"W);

(12) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 3,429 linear feet of an unnamed tributary to Hoagland Branch (EV) (Shunk, PA Quadrangle 41°32'34"N, 76°44'22"W);

The project will result in 14,982 square feet of temporary wetland impacts and approximately 755 linear feet of temporary stream impacts for the purpose of installing a well line for Marcellus Shale gas development in Fox Township, Sullivan County.

E0829-107: Chief Oil and Gas, LLC, 1720 Sycamore Road, Montoursville, PA, 17754 Overton Township, **Bradford County**, USACE Baltimore District.

To construct, operate, and maintain:

1. A 12 inch diameter temporary waterline and a 16 inch diameter temporary waterline impacting 2 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°35'15"N, 76°39'56"W).

The project will result in approximately 2 linear feet of temporary stream impacts for the purpose of installing temporary waterlines for Marcellus Shale gas development in Overton Township, Bradford County.

E5929-083: Chief Oil and Gas, LLC, 1720 Sycamore Road, Montoursville, PA, 17754 Fox Township, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

1. A 12 inch diameter temporary waterline and a 16 inch diameter temporary waterline impacting 2 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°34'00"N, 76°40'40"W);

2. A 12 inch diameter temporary waterline and a 16 inch diameter temporary waterline impacting 1 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°34'02"N, 76°40'44"W);

3. A 12 inch diameter temporary waterline and a 16 inch diameter temporary waterline impacting 6 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°34'05"N, 76°40'50"W);

4. A 12 inch diameter temporary waterline and a 16 inch diameter temporary waterline impacting 2 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°34'10"N, 76°40'58"W);

5. A 12 inch diameter temporary waterline and a 16 inch diameter temporary waterline impacting 2 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°34'25"N, 76°41'01"W).

The project will result in approximately 13 linear feet of temporary stream impacts for the purpose of installing temporary waterlines for Marcellus Shale gas development in Fox Township, Sullivan County.

Southwest Region: Oil and Gas Management Program Manager 400 Waterfront Drive, Pittsburgh, PA 15222

E32-07-008: CNX Gas Company, LLC, 200 Evergreen Drive, Waynesburg, PA 15370

Project Location—North Mahoning Township, **Indiana County**, ACOE Pittsburgh District.

CNX Gas Company, LLC is proposing to construct and maintain a freshwater centralized impoundment known as the Trade City Freshwater Centralized Impoundment, with adjoining access road to support their natural gas

operations in the local area. The proposed project will require one road crossing that will result in 2,404 square feet of temporary impacts and 6,736 square feet of permanent impacts to one wetland and one stream (Tributary 47745 of Dutch Run (CWF)) and floodway with one 44-foot long, 7 ft x 4 ft box RCE culvert and three 50-foot long, 18 inch-diameter HDPE culverts.

The project is located within the Valier USGS 7 1/2 Minute Quadrangle Map and State Water Plan Sub-basin 17D (Mahoning Creek Watershed).

The project is a Joint Permit Application due to the proposed project not meeting the terms and conditions of the General Permit 07 (Minor Road Crossings).

The attached table describes the total permanent and temporary impacts associated with this project:

<i>Stream Crossings</i>	<i>Latitude/Longitude</i>	<i>Area of Impacts</i>	
Trib. 47745 of Dutch Run	40.901661/-79.031953	Temporary	112 ft ²
		Permanent	577 ft ²
Associated Floodway Impacts		Temporary	2,178 ft ²
		Permanent	6,098 ft ²

<i>Wetland Crossings</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
Palustrine Emergent (PEM) Non-EV Wetland Crossing	40.901661/-79.031953	Temporary	114 ft ²
		Permanent	61 ft ²

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335; 814-332-6860

E24-08-007, NFG Midstream Clermont, LLC, 6363 Main Street, Williamsville, NY 14221-5855. Clermont Phase 2A South Pipeline in Jones Township, **Elk County**, Army Corps of Engineers Pittsburgh District (Glen Hazel, PA Quadrangle N: 41.570301; W: -78.508087).

The applicant proposes to construct and maintain approximately 1.8 mile of one (1) 24 inch gas line and two (2) 12 inch gas lines. The proposed pipeline will connect Seneca Resources Corporation's E09-H Well Pad to E09-M and E09-S Well Pads. The water obstructions and encroachments in the Elk County portion of the project are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude/Longitude</i>
1	One (1) 24" and two (2) 12" diameter natural gas pipelines with associated right-of-way and a temporary road crossing to cross UNT to South Fork Straight Creek (EV) having 105 linear feet of temporary stream impact.	41° 34' 15.34" -78° 30' 22.54"

In Elk County, the project will result in a total of 105 linear feet of temporary stream impacts.

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D31-086. U.S. Silica Company, 8490 Progress Drive, Suite 300, Frederick, MD 21701. To construct, operate and maintain Sausman Tailings Dam for the purpose of creating an impoundment for future sediment deposition and retention. (Mount Union, PA Quadrangle Latitude: 40.4487; Longitude: -77.9092) in Brady Township, **Huntingdon County**, USACOE Baltimore District.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0064271 (Sewage)	Matthew and Christie Wieder 4926 Main Road West Emmaus, PA 18049	Lehigh County Upper Milford Township	UNT to Leibert Creek (02C)	Y

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0252531 (Sewage)	Independence-Cross Creek STP 859 Meadowcroft Road Avella, PA 15312	Washington County Independence Township	Cross Creek (20-D)	Y

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0221244 (Industrial Waste)	Salem Tube Manufacturing 951 4th Street Reynolds Industrial Park Greenville, PA 16125	Mercer County Pymatuning Township	Big Run (20-A)	Y
PA0222712 (Sewage)	Sykesville Borough STP 21 E Main Street Sykesville, PA 15865	Jefferson County Sykesville Borough	Stump Creek (17-D)	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

NPDES Permit No. PA0056545, Industrial Waste, **Infiana USA**, 2400 Continental Boulevard, Malvern, PA 19355-2326.

This proposed facility is located in Tredyffrin Township, **Chester County**.

Description of Action/Activity: Permit transferred from Huhtamaki Films to Infiana USA.

NPDES Permit No. PA0058297, Sewage, **Casimir and Suzanne Wolanin**, 331 Echo Valley Lane, Newtown Square, PA 19073-1619.

This proposed facility is locate in Newtown Township, **Delaware County**.

Description of Action/Activity: To discharge from a facility known as Wolanin SRSTP to unnamed Tributary to Lewis Run in Watershed(s) 3-G.

NPDES Permit No. PA0011282, **Aqua Pennsylvania Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489, Springfield Township, **Delaware County**.

The following notice reflects changes to the notice published in the March 21, 2015, *Pennsylvania Bulletin*:

(i) A semi-annual monitoring requirement of Total Dissolved Solids is included in the permit for Outfall 002 according to the recommendation from DRBC.

A special condition is included in Part C of the permit regarding the acrylamide monitoring such that the acrylamide monitoring may be discontinued if the facility switches to chemicals that do not contain acrylamide monomer/polymer in their wastewater treatment process.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

NPDES Permit No. PA0273040, SIC Code 6513, **Rebecca J Davis**, 27 Hnida Road, West Middlesex, PA 16159-2015.

This proposed facility is located in Delaware Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900

WQM Permit No. WQG010046, Sewage, **Mark Huber**, 1305 Yellow Springs Road, Chester Springs, PA 19425.

This proposed facility is located in East Pikeland Township, **Chester County**.

Description of Action/Activity: Construction and operation of a single residence sewage treatment plant for a three bedroom dwelling.

WQM Permit No. 0993415, Sewage, **Transfer 3, 1073 Mill Creek LLC**, 1073 Mill Creek Road, P. O. Box 365, Wycombe, PA 18980.

This proposed facility is located in Wrightstown Township, **Bucks County**.

Description of Action/Activity: Permit transferred from Kevin Dougherty to 1073 Mill Creek, LLC.

WQM Permit No. 4615404, Sewage, **Green Hill MHC, LLC**, P. O. Box 677, Morgantown, PA 19543.

This proposed facility is located in Marlborough Township, **Montgomery County**.

Description of Action/Activity: Replacing an antiquated UV disinfection system with a hypochlorite disinfection system that consists of a chemical feed pump and solution tank.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 2914201, CAFO, **CFC Fulton Properties, LLC**, 2700 Clemens Road, Hatfield, PA 19440.

This proposed facility is located in Ayr Township, **Fulton County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of manure storage facilities consisting of:

The new swine operation will consists of three new buildings. A new 767' x 161' x 9' deep Breeding/Gestation Barn will be built with concrete underneath deep pit manure storage that will store about 7,828,626 gallons at a 0.5' freeboard. A

new 510' x 120' x 2' deep Farrowing Barn will be built with concrete underneath shallow pit pull plug manure storage that will store about 686,664 gallons at a 0.5' freeboard. The Farrowing Barn will be drained to the Breeding/Gestation Barn as needed. A new 338' x 71' x 6' deep Gilt Barn will be built with concrete underneath deep pit manure storage that will store about 889,695 gallons at a 0.5' freeboard. Each building will have a leak detection system with an observation well and shut offs with in the wells.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

WQM Permit No. WQG02651501, SIC Code 4952, **Franklin Township Municipal Sanitary Authority**, 3001 Meadowbrook Road, Murrysburg, PA 15668.

This proposed facility is located in Penn Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construction of a gravity sanitary sewer collection system, pump station and force main to serve a proposed 300 acre development at Blackthorne Estates.

WQM Permit No. 5615401, SIC Code 4952, **Windber Borough**, 1401 Graham Avenue, Windber, PA 15963.

This proposed facility is located in Windber Borough, **Somerset County**.

Description of Proposed Action/Activity: Construction of sanitary sewers. The Pennsylvania Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. 4315402, Sewage, SIC Code 6513, **Rebecca J Davis**, 27 Hnida Road, West Middlesex, PA 16159-2015.

This proposed facility is located in Delaware Township, **Mercer County**.

Description of Proposed Action/Activity: Small Flow Treatment Facility.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI132235	Harveys Lake Borough Luzerne County PO Box 60 Harveys Lake, PA 18640	Luzerne	Harveys Lake Borough	Harveys Creek/Harveys Lake HQ-CWF and MF

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011515015	John H. Reilly, III P. O. Box 529 Glenside, PA 19038-1939	Chester	Willistown Township	Crum Creek HQ-CWF
PAI011515013	Robert Landis 1346 Village Lane Chester Springs, PA 19425	Chester	West Pikeland Township	Pickering Creek HQ-TSF
PAI012315008	PECO 2301 Market Street, S7-2 Philadelphia, PA 19101	Delaware	Lower Chichester Township And Trainer Borough	Naamans Creek WWF-MF Marcus Hook Creek WWF-MF

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023514002	PPL Electric Utilities Corporation Two North Ninth Street GENN 4 Allentown, PA 18101	Lackawanna Luzerne	Thornhurst, Clifton & Covington Townships Buck Township	Stony Run (HQ-CWF, MF) Kendall Creek (EV, MF) and unnamed tributaries thereof Lehigh River (EV, MF) and unnamed tributaries thereof Choke Creek (EV, MF) and unnamed tributary thereof Sand Spring Creek (EV, MF) Pond Creek (EV, MF) and unnamed tributaries thereof Buckey Run (EV, MF) Spruce Run (EV, MF) Fenner Mill Run (EV, MF) Ash Creek (EV, MF) and an unnamed tributary thereof UNT to Silver Creek (EV, MF) Rucks Run (EV, MF) and an unnamed tributary thereof Meadow Brook (EV, MF) Tamarack Creek (EV, MF) Lake Run (HQ-CWF, MF) and an unnamed tributary thereof Emerson Run (HQ-CWF, MF) Roaring Brook (HQ-CWF, MF) East Branch of Roaring Brook (HQ-CWF, MF)
PAI025414001	First Quality Nonwovens, Inc. 500 Oak Ridge Road Hazle Township, PA 18202	Schuylkill Luzerne	East Union Township Hazle Township	Tomhicken Creek (CWF, MF) Little Tomhicken Creek (CWF, MF), EV wetlands
PAI024815003	Mr. Frank Capobianco 3562 Sutton Place Bethlehem, PA 18020	Northampton	Lower Saucon Township	East Branch Saucon Creek (CWF, MF), EV Wetlands
PAI021315001	Mieczyslaw Klecha 469 Forest Street Lehighon, PA 18235	Carbon County	Franklin Township	Sawmill Run (EV)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024814018	MJL Reality Company c/o Mr. Mark J. Leuthe 1414 Deerfield Drive Allentown, PA 18104-1954	Northampton	Moore Township	Hokendauqua Creek (CWF, MF), EV Wetlands
PAI023515001	Gouldsboro DG, LLC 361 Summit Blvd. Suite 110 Birmingham, AL 35243	Lackawanna	Clifton	Meadow Brook (EV, MF)
PAI023914027	City Line Place, LLC 2012 Industrial Drive Bethlehem, PA 18017	Lehigh	City of Bethlehem	Monocacy Creek (HQ-CWF, MF)
PAI023913015R(6)	Dorney Park & Wildwater Kingdom 3830 Dorney Park Road Allentown, PA 18104	Lehigh	South Whitehall Township	Cedar Creek (HQ-CWF, MF)
PAI024814020	PPL Electric Utilities, Corporation c/o Mr. Michael Hasel 1639 Church Road Allentown, PA 18104	Northampton	Hanover Township, City of Bethlehem, Bethlehem Township, and Borough of Freemansburg	Monocacy Creek (HQ-CWF, MF), Nancy Run (HQ-CWF, MF), and Lehigh River (WWF, MF)

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Crawford, Section Chief, Telephone 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030714003 Issued	Roaring Spring Municipal Authority 616 Spang Street, P. O. Box 33, Roaring Spring, PA 16673	Blair	Freedom and Taylor Townships	Halter Creek above Plum Creek (Designated Use WWF; Existing Use CWF) Halter Creek below Plum Creek (Designated Use WWF; Existing Use HQ-CWF) Frankstown Branch of Juniata River (Designated Use TSF)
PAI033614009(1) Issued	Old Dominion Electric Cooperative 4201 Old Dominion Boulevard Glenn Allen, VA 23060	Lancaster	Fulton Township	UNT Conowingo Creek (HQ-CWF, MF)
PAI033614009 Issued	Old Dominion Electric Cooperative 4201 Old Dominion Boulevard Glenn Allen, VA 23060	Lancaster	Fulton Township	UNT's Conowingo Creek (HQ-CWF, MF) Conowingo Creek (CWF, MF) UNT Susquehanna River (HQ-CWF, MF) Susquehanna River/Conwingo Reservoir (WWF, MF)

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI093715002	Attention: Patrick M. Webb Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800	Lawrence County	Little Beaver Township	Unnamed Tributary to Beaverdam Run, HQ-CWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Multiple Townships Delaware County	PAG02002315012	PennDOT 7000 Geerdes Boulevard King of Prussia, PA 19406	Multiple	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Dallas Township	PAG02004015013	Hildebrandt Leasing LLC William Grant 105 Lt. Michael Cleary Dr. Dallas, PA 18612	Toby Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Hanover Township, Whitehall Township & Catasauqua Borough	PAG02003915005	Stephen McLaughlin UGI Utilities, Inc. 2525 N. 12th St. Reading, PA 19612-2677	Lehigh River (TSF, MF) UNT of Catasauqua Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Dublin Township, Huntingdon County	PAG02003115002 Issued	Tyler Snider 22356 Mountain Foot Road Neelyton, PA 17239	UNT Shade Creek/TSF	Huntingdon County Conservation District 10605 Raystown Road, Suite A Huntingdon, PA 16652-9603 814-627-1627
Tyrone Township, Adams County	PAG02000115002 Issued	Hillandale Gettysburg, L.P. 3910 Oxford Road Gettysburg, PA 17325	UNT to Conewago Creek/WWF-MF	Adams County Conservation District 670 Old Harrisburg Rd., Suite 201 Gettysburg, PA 17325 717.334.0636
Upper Allen Township, Cumberland County	PAG02002115009 Issued	Messiah College 1 College Avenue Mechanicsburg, PA 17055	Yellow Breeches Creek/CWF, MF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-7812
Upper Allen Township, Cumberland County	PAG02002115013 Issued	Messiah Lifeways 100 Mount Allen Drive Mechanicsburg, PA, 17055	UNT Yellow Breeches Creek/CWF, MF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-7812
Carlisle Borough, South Middleton Township, and Dickinson Township, Cumberland County	PAG02002115004 Issued	Goodman North America Partnership Holdings, LLC 1275 Glenlivet Drive, Suite 100 Allentown, PA 18106	Alexanders Spring Creek/CWF, MF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-7812
Monroe Township and Silver Spring Township, Cumberland County	PAG02002115019 Issued	UGI Gas Service 1301 AIP Drive Middleton, PA 17057	Hogestown Run/CWF, MF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-7812
Amity Township, Berks County	PAG02000615029 Issued	Sonshine I, LP 227 Granite Run Drive, Suite 100 Lancaster, PA 17601	Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657
Derry Township, Dauphin County	PAG02002215004 Issued	Derry Township 600 Clearwater Road Hershey, PA 17033	Spring Creek (East)/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
South Hanover Township, Dauphin County	PAG02002215023 Issued	Diane Baker 2311 Forest Hills Drive Harrisburg, PA 17112	Manada Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Lower Swatara Township, Dauphin County	PAG02002214044 Issued	Fulling Road LLC PO Box 291 Lititz, PA 17543	Susquehanna River/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Broad Top Township, Bedford County and Carbon Township, Huntingdon County	PAG02003115001 Issued	Horvath Communications 312 West Colfax Avenue South Bend, IN 46601	Shoup's Run/WWF	Huntingdon County Conservation District 10605 Raystown Road, Suite A Huntingdon, PA 16652-9603 814-627-1627
Manheim Township, Lancaster County	PAG02003615024 Issued	Manbel Devco I 200 Old Forge Lane Kennett Square, PA 19348	UNT To Conestoga Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121
West Lampeter Township, Lancaster County	PAG02003615028(1) Issued	BVP 2012, LLC 12400 High Bluff Drive, Suite 600 Sand Diego, CA 92130	UNT Big Spring Run/WWF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121
Manor Township, Lancaster County	PAG02003615046 Issued	Lancaster Area Sewer Authority 130 Centerville Road Lancaster, PA 17603	Dry Run/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121
West Lampeter Township, Lancaster County	PAG02003615055 Issued	David Charles 26 Millersville Road Lancaster, PA 17603	Big Spring Run/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Centre County Boggs Twp	PAG02001415012	Hoon Won CNG Bald Eagle LLC 1865 Center St Camp Hill, PA 17011	Bald Eagle Creek TSF, MF	Centre County Conservation District 414 Holmes Ave, Ste 4 Bellefonte, PA 16823 (814) 355-6817
Columbia County Montour Twp	PAG02001915003	Wayne Brouse 2084 Rt 522 Selinsgrove, PA 17870	Montour Run CWF	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville, PA 16335

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Erie Erie County	PAG02002514031	Bayfront Cobblestone LLC 1001 State Street, Suite 319 Erie, PA 16501	Lake Erie—Presque Isle Bay WWF	Erie County Conservation District 814-825-6403
Fox Township Elk County	PAG02002415004	Fox Township Sewer Authority PO Box 184 116 Irishtown Road Kersey, PA 15846	Daguscahonda Run CWF	Elk County Conservation District 814-776-5313
City of Hermitage Mercer County	PAG02004313012(2)	CCL Container Inc 1 Llodio Drive Hermitage, PA 16148	UNT Shenango River WWF	Mercer County Conservation District 724-662-2242
City of Hermitage Mercer County	PAG02004315006	O'Reilly Automotive Inc 233 South Patterson Avenue Springfield, MO 65802	Pine Hollow Run WWF	Mercer County Conservation District 724-662-2242
Borough of Greenville Mercer County	PAG02004315008	Greenville High School 9 Donation Road Greenville, PA 16125	UNT Saul Run WWF and UNT Little Shenango River TSF	Mercer County Conservation District 724-662-2242
North Sewickley Township, Beaver County	PAG02090415005	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Beaver River (WWF) and Unnamed Tributary to Beaver River (WWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

General Permit Type—PAG-03

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Canton Township Washington County	PAR606109	General Alloys, Inc. 135 West Wylie Avenue Washington, PA 15301	Chartiers Creek—20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-04

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Pike Run Township Washington County	PAG046455	West Pike Run Township Municipal Authority PO Box 222 Daisytown, PA 15427-0222	Unnamed Tributary to Pike Run—19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Fulton County/ Ayr Township	PAG123782	Mr. Bill Fink Country View Family Farms, LLC—Bivouac Sow Farm 1301 Fulling Mill Road, Suite 3000 Middletown, PA 17057	UNT Big Cove Creek/CWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

STATE CONSERVATION COMMISSION**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Country View Family Farms, LLC Green Valley Farm 2266 Junction Road Seven Valleys, PA 17360	York	16.21	1,892.79	Swine	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 1515510, Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033
Township	East Vincent
County	Chester
Type of Facility	PWS
Consulting Engineer	Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033
Permit to Construct Issued	March 12, 2015

Operations Permit # 4615507 issued to: **North Penn Water Authority**, 300 Forty Foot Road, P. O. Box 1659, Lansdale, PA 19446, [(PWSID)] Franconia Township, **Montgomery County** on July 1, 2015 for the operation of Sodium Hypochlorite Feed System and Tank Mixing System facilities approved under construction permit # 4612516.

Operations Permit# 1515517 issued to: **Tel Hai Retirement Community**, 1200 Tel Hair Circle, Honey Brook, PA 19344 [(PWSID)] Honey Brook Township,

Chester County on July 1, 2015 for Certification of 4-Log Treatment of Viruses at Entry Point 101.

Permit No. 1515518, Minor Amendment. Public Water Supply.

Applicant	Kennett Square Municipal Water Works 120 Broad Street Kennett Square, PA 19348
Borough	Borough of Kennett Square
County	Chester
Type of Facility	PWS
Consulting Engineer	Utility Service Company, Inc. 1230 Peachtree Street, NE Suite 1100 Promenade Atlanta, GA 30309
Permit to Construct Issued	July 1, 2015

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 2115507 MA, Minor Amendment, Public Water Supply.

Applicant	Shippensburg Borough Authority PA
Municipality	Shippensburg Borough
County	Cumberland
Responsible Official	Louid Larson, Water Foreman PO Box 129 111 N Fayette Street Shippensburg, PA 17257-0129
Type of Facility	Rehabilitation of the Roxbury Storage Tank.
Consulting Engineer	Jason G. Saylor, P.E. Utility Service Group, Inc 535 Courtney Hodges Boulevard Perry, GA 31069
Permit to Construct Issued	7/13/2015

Permit No. 0115507 MA, Minor Amendment, Public Water Supply.

Applicant	The York Water Company
Municipality	Cumberland Township
County	Adams
Responsible Official	Mark S. Snyder, Engineering Manager 130 East Market Street PO Box 15089 York, PA 17405-7089
Type of Facility	Replacement of the existing Well No. 2 submersible pump with a lower capacity unit.
Consulting Engineer	Mark S. Snyder, P.E. The York Water Company 130 East Market Street PO Box 15089 York, PA 17405-7089
Permit to Construct Issued	6/29/2015

Permit No. 2115508 MA, Minor Amendment, Public Water Supply.

Applicant **South Middleton Township Municipal Authority**
 Municipality South Middleton Township
 County **Cumberland**
 Responsible Official Robert L. Kissinger, Manager
 345 Criswell Drive
 Boiling Springs, PA 17007-0008
 Type of Facility Rehabilitation and repainting of existing Storage Tank No. 4.
 Consulting Engineer Peter Lusardi, P.E.
 GHD, Inc.
 1240 N. Mountain Rd.
 Harrisburg, PA 17112
 Permit to Construct Issued 7/7/2015

Permit No. 0615507 MA, Minor Amendment, Public Water Supply.

Applicant **Western Berks Water Authority**
 Municipality Wyomissing Borough
 County **Berks**
 Responsible Official Leonard E. Bilger II, Manager
 91 Water Road
 Sinking Spring, PA 19608
 Type of Facility Replacement of the existing Clayton Avenue Meter Pit that is used by Western Berks Water Authority to serve Wyomissing Borough.
 Consulting Engineer Jeffery C. Jessel, P.E.
 SSM Group, Inc.
 1047 North Park Road
 Reading, PA 19610-0307
 Permit to Construct Issued 7/7/2015

Operation Permit No. 3414501 issued to: **Republic Development Corporation (PWS ID No. 4340017)**, Milford Township, **Juniata County** on 6/29/2015 for facilities at Vantage Hills Development and Orchard Hills Apartments approved under Construction Permit No. 3414501.

Comprehensive Operation Permit No. 7280935 issued to: **Antrim Brethren in Christ Church (PWS ID No. 7280935)**, Antrim Township, **Franklin County** on 7/13/2015 for the operation of facilities submitted under Application No. 7280935.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Permit No 4115508MA—Construction and Operation—Public Water Supply.

Applicant **Country View Restaurant**
 Township/Borough Jordan Township
 County **Lycoming**
 Responsible Official Mr. Mark Emery
 Country View Restaurant
 13873 State Route 118
 Unityville, PA 17774

Type of Facility Public Water Supply
 Consulting Engineer Jonathan Morris, P.E.
 GHD
 326 East 2nd Street
 Bloomsburg, PA 17815
 Permit Issued June 24, 2015
 Description of Action Construction and operation of the existing 120 gallons detention tank and sodium hypochlorite feed system to provide 6-log inactivation of viruses of Well No. 1 water.

Permit No 4416296-T1—Transfer/Operation—Public Water Supply.

Applicant **UNCVF, LLC**
 Township/Borough Loyalsock Township
 County **Lycoming**
 Responsible Official Mr. Lou Santarelli
 UNCVF, LLC
 25 Anderson Road
 Buffalo, NY 14225

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued July 1, 2015
 Description of Action Operation of the bottled water plant, including Williamsport Municipal Water Authority's finished water as a source of supply, 50 gpm flow control valve, flow meter and totalizer, and Federal VacuMatic bottler, model DWSS5/2016.

Permit No MA-T1 (11/23/1994)—Transfer/Operation—Public Water Supply.

Applicant **UNCVF, LLC**
 Township/Borough Loyalsock Township
 County **Lycoming**
 Responsible Official Mr. Lou Santarelli
 UNCVF, LLC
 25 Anderson Road
 Buffalo, NY 14225

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued July 1, 2015
 Description of Action Operation of a Campbell high flow SS PP model MM28-S, one micron filter to remove turbidity, a granular activated carbon filter to remove taste/odor and dechlorinate (5 gpm/sf capacity), an Atlantic UV water purifier for disinfection, two 1,500 gallons stainless steel storage tanks, and two Triclover centrifugal pumps (1 to unload from truck to 10,000 gallon tank and 1 to pump from 10,000 gallons tank to bottler).

Permit No MA#2-T1 (12/9/91)—Transfer/Operation—Public Water Supply.

Applicant	UNCVF, LLC
Township/Borough	Loyalsock Township
County	Lycoming
Responsible Official	Mr. Lou Santarelli UNCVF, LLC 25 Anderson Road Buffalo, NY 14225
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	July 1, 2015
Description of Action	Operation of the 10,000 gallons raw water storage tank. In addition, this permit originally approved Aqua Penn Spring A as an additional source of supply. This source has not been used since about 1997 and therefore is not included in the transferred permit. All other components of the original permit were replaced by the following permit.

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Operation Permit issued to New Castle Estates, LLC, PWSID No. 6370014, North Beaver Township, Lawrence County. Permit Number 3713505 issued July 10, 2015 for the operation of the groundwater rule treatment facilities at the New Castle Estates water system. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on July 1, 2015.

Operation Permit issued to Francis and Cynthia Thompson, Thompsons' Country Market, PWSID No. 5100938, West Sunbury Borough, Butler County. Permit Number 1014507 issued July 9, 2015 for the operation of Thompson's Country Market Public Water Supply facilities. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on June 26, 2015.

Operation Permit issued to Heath Oil, Inc., PWSID No. 6431056, Jackson Township, Mercer County. Permit Number 4314501 issued July 8, 2015 for the operation of the Jiffy Mini Mart water treatment upgrades. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on May 28, 2015.

Transfer of Operation Permit issued to UMH PA Holly Acres, LLC, PWSID No. 6250085, Summit Township, Erie County on July 8, 2015. Action is for change in ownership; the potable water supplier will do business as Holly Acres Mobile Home Park. The new permit number is 2505502-T1.

Transfer of Operation Permit issued to Snowy Waters, LLC, PWSID No. 6200013, Sadsbury Township, Crawford County on July 13, 2015. Action is for change in ownership; the potable water supplier will do business as Penn Lake Village Mobile Home Park. The new permit number is 2088505-T2-MA2.

Transfer of Operation Permit issued to Heritage Hills Mobile Home Park, LLC, PWSID No. 6370041, Pulaski Township, Lawrence County on July 13, 2015. Action is for change in ownership; the potable water

supplier will do business as Heritage Hills Mobile Home Park. The new permit number is 3712503-T1.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Change of Ownership

WA-196, Succession to Water Rights. The Department has acknowledged that **Pennsylvania American Water Company—Susquehanna System**, 800 West Hersheypark Drive, Hershey, PA 17033, has given notice that it succeeded to all rights and obligations under the order of confirmation, issued to the former Canawacta Water Supply Company, 50 Broad Street, New York, NY on September 12, 1945.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. 717-705-4707.

Plan Location:

Borough or Township	Borough or Township Address	County
Conestoga Township	c/o Township Secretary, PO Box 98, Conestoga, PA 17516	Lancaster

Plan Description: Approval of a revision to the Official Sewage Plan of Conestoga Township, Lancaster County. The plan revision provides for the use of a sequencing batch reactor sewage treatment plant with disposal in drip irrigation fields to serve 18,200 gpd in sewage flows from 45 residential units known as Safe Harbor Village, consisting of 19 three bedroom houses, two 4 bedroom houses, and 24 apartments. The 45 units are a mix of existing and proposed new units. This proposed method of sewage disposal will replace an existing wastewater treatment plant with a stream discharge to the Conestoga Creek now serving the property. The 210 acre Safe Harbor Village property is located on the east side of River Road, south of Route 324 in Conestoga Township, Lancaster County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-36913-145-2. Any required WQM Permits must be obtained in the name of Safe Harbor Partners, LP.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Settlement—Delaware River Ash Spill

Natural Resource Damages Among the Department of Environmental Protection, the Fish and Boat Commission, Talen Generation, LLC and Martins Creek, LLC

**Lower Mount Bethel Township,
Northampton County**

Pursuant to section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756,

No. 108, 35 P. S. §§ 6020.101—6020.1305 (HSCA), 35 P. S. § 6020.1113, the Department of Environmental Protection (Department) hereby publishes Notice of a Proposed Settlement with Talen Generation, LLC, formerly known as PPL Generation, LLC, and Martins Creek, LLC, formerly known as PPL Martins Creek, LLC (Settlers) of claims for natural resource damages associated with the ash spill from Ash Basin No. 4 at the PPL Martins Creek Steam Electric Station that began on August 23, 2005.

Settlers owned and operated the Martins Creek Steam Electric Station located in Lower Mount Bethel Township, Northampton County, PA (Facility). The Facility consisted, in part, of two coal fired electric generating units (Units 1 and 2), which were decommissioned on September 15, 2007. Ash from the coal combustion was mixed with water and piped to large open outdoor impoundments for settling. Water was then discharged from the impoundments to the Delaware River pursuant to a National Pollution Discharge Elimination System ("NPDES") permit from the Department.

On August 23, 2005, a wooden stop log in the discharge structure of Ash Basin No. 4 failed, causing an unpermitted and uncontrolled discharge of fly ash slurry from the Basin. Most of the fly ash slurry discharged directly into the Delaware River. Large amounts of fly ash slurry also ran across DePues Ferry Road, onto adjacent fields and into the Oughoughton Creek.

The Department filed a lawsuit against the Settlers on November 18, 2005 as a result of the spill in which it asserted claims for, among other things, natural resource damages. Most of that lawsuit, with the exception of the Department's claims for natural resource damages, was resolved on May 20, 2008 through a Consent Decree between the Department, Settlers and a group of citizen intervenors. Notice of the proposed settlement was published in the *Pennsylvania Bulletin* on March 3, 2007 (See 37 Pa.B. 1050).

Following the entry of the Consent Decree, the Department, working in conjunction with members of a Natural Resource Damage Assessment Team (NRDA Team), currently comprised of the Pennsylvania Department of Environmental Protection, the New Jersey Department of Environmental Protection, the Fish and Boat Commission (FBC) and the Delaware River Basin Commission acting as a consultant to the NRDA Team, prepared a report entitled, PPL Martins Creek Natural Resource Damage Assessment-Environmental Assessment and Restoration Plan ("NRDA Report"). The NRDA Report concluded that natural resource damages resulted from the spill and cleanup process. It further concluded that dam removal and mussel restoration projects would provide sufficient compensation to the public for those damages.

The Department, along with the NRDA Team, are now proposing a settlement with the Settlers to resolve outstanding claims for natural resource damages through a Consent Order and Agreement ("CO&A"). The total settlement amount for Natural Resource Damages will be \$1,325,200.00. The proposed CO&A requires the following:

a. Within twenty (20) calendar days after Settlers' receipt of an executed

CO&A from the Department and FBC, Settlers shall pay to the DRBC the sum of \$902,150.00, which, in addition to the payment in paragraph b below, shall constitute the "Settlement Payment". The Settlement Payment shall be in full and complete settlement of

claims against the Settlers for compensation for any damages to, and restoration of, the lost value of, injury to, or destruction of Natural Resources, as that term is defined in Section 103 of HSCA, 35 P. S. § 6020.103, and natural resource services. The Settlement Payment includes PPL's cash contribution toward dam removal projects in Pennsylvania. It also includes 15% for dam removal contingency fees, and \$50,000.00 for DRBC's administration fees. The Settlement Payment will be administered in accordance with a Letter Agreement between the Department, FBC and DRBC. Any leftover funds remaining after implementation of the dam removal projects will be allocated based on the consensus of the PADEP and the FBC.

b. Within twenty (20) calendar days after the Settlers' receipt of the executed

CO&A from the Department, PPL shall also pay to the DRBC a separate sum of \$50,000.00 for a mussel restoration project(s). DRBC shall submit the details of a mussel restoration project(s) to the NRDA Team for approval. Once a mussel restoration project(s) is agreed upon by the NRDA Team members, the DRBC will implement the project(s). Any leftover funds remaining after implementation of the mussel restoration projects will be distributed based on the consensus of the NRDA Team members. DRBC will provide progress and general accounting reports to the NRDA Team on a quarterly basis within the first week of each calendar quarter. The progress and general accounting reports will be reviewed by the NRDA Team members.

The Settlers will also pay a separate fee of \$373,050.00 to the NJDEP for the benefit of New Jersey based restoration projects pursuant to a separate agreement with that agency.

Persons wishing to comment on the NRDA Report and proposed settlement are invited to submit comments to the Department's Northeast Regional Office within 60 days from the date of this public notice. Comments received within this 60-day period will be considered in the final determination regarding the proposed settlement. The Department may propose changes or choose not to agree to the proposed settlement if the comments received disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or not in the public interest. After the public comment period, the Department shall file a response to significant written comments received or indicate that no such comments were received.

Commenters should include their name, address and a concise statement to inform the Regional Office of the exact basis of any comment, and the relevant facts upon which it is based. Comments may be submitted in writing to Colleen Connolly, Pennsylvania Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18701-1915. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-645-5984.

Copies of the NRDA Report and the proposed CO&A are available for review and copying at the following locations: Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511; and Department of Environmental Protection, Bethlehem District Office, 4530 Bath Pike, Bethlehem, PA 18017, (610) 861-2070.

Copies are also available at www.depweb.state.pa.us (click "Regional Resources," then "Northeast Regional

Office,” then “Community Information” and click on the PPL NRDA Report and PPL NRDA Consent Order and Agreement links).

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

K & B Logistics, Harris Township, **Centre County**—K & B Logistics Inc., 3016 Nantucket Drive, Joliet, IL 60435, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Diblasi Residence, 33 Lincoln Street, Edwardsville Borough, **Luzerne County**. Mountain Research, LLC,

825 25th Street, Altoona, PA 16601, on behalf of Mr. Raoul Diblasi, 33 Lincoln Street, Edwardsville, PA 18704, submitted a Final Report concerning remediation of site soils contaminated with 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Toluene, Ethylbenzene, Cumene, and Naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Finnefrock Residence, 169 Pottsville Street, Cresona Borough, **Schuylkill County**. Liberty Environmental Inc., 50 North Fifth Street, 5th Floor, Reading, PA 19601, on behalf of Richard Finnefrock, 745 Ridge Road, Orwigsburg, PA 17961, submitted a Final Report concerning remediation of site soils contaminated with 1,2,4-Trimethylbenzene and 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Pine Terrace Apartments, 600-300 East Pine Street, Hamburg Borough, **Berks County**. REPSG, 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142, on behalf of M. Domer Leibensperger, 65 South 4th Street, Hamburg, PA 19526, submitted a Remedial Investigation Report, Cleanup Plan, and Final Report to remediate site soil and groundwater contaminated with lead from buried battery casings. The combined report is intended to document remediation of the site to meet the Residential Statewide Health and Site Specific Standards.

Commercial Industries/Former United Piece Dye Works, 1799 Mount Rose Avenue, Spring Garden and Springettsbury Townships, **York County**. Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Spring Garden Township, 558 South Ogontz Street, York, PA 17403, submitted a Risk Assessment and Final Report concerning remediation of site soils, groundwater, surface water, and sediment contaminated with Inorganics, VOCs and PAHs. The report is intended to document remediation of the site to meet the Residential Statewide Health and Site Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup

standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

K & B Logistics, Harris Township, **Lycoming County**. K & B Logistics, Inc., 3016 Nantucket Drive, Joliet, IL 60435, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 4, 2015.

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

YOU Trucking, 527-529 South Church Street, Hazleton City, **Luzerne County**. Barry Isett & Associates, 100 West Broad Street, Hazleton, PA 18201, on behalf of YOU Trucking, 527-529 South Church Street, Hazleton, PA 18201, submitted a Type Final Report concerning the remediation of site soil and groundwater contaminated with Benzene, MTBE, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Naphthalene, and Lead. The Final Report demonstrated attainment of the Statewide Health and Site Specific Standards for soils and groundwater and was approved by the Department on June 29, 2015.

Reynen Property/Moxley Pipeline Project Right-of-Way, 221 Beaver Meadow Road, Harford Township, **Susquehanna County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of Williams Field Services Company, LLC, 310 State Route 29, Tunkhannock, PA and Fehlinger Construction Group,

LLC, 106 South Lehigh Street, Suite 203, Shavertown, PA 18708, submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Toluene, Ethyl Benzene, Cumene (Isopropylbenzene), Methyl tert-Butyl Ether, Naphthalene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard for soils, and was approved by the Department on July 8, 2015.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Former GENCO Property, 260 North Fifth Avenue, Lebanon, PA, City of Lebanon, **Lebanon County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Panther Representative Services, LLC; GENCO of Lebanon, Inc., GENCO Distribution System, Inc., and GENCO I, Inc., 215 North Woodland Avenue, Pittsburgh, PA 15232; and HDK99 LLC, 519 North Second Avenue, Lebanon, PA 17046, submitted a Final Report regarding remediation of site soils contaminated with 1,3,5-Trimethylbenzene. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on July 7, 2015.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Chevron Appalachia, LLC—Robin Hill 15H/18H/Gas Well Site, 724 Washington Road, Robinson Township, **Washington County**. Moody and Associates, 199 Johnson Road, Building No. 2, Suite 101, Houston, PA 15342 on behalf of Chevron Appalachia, LLC., 1550 Coraopolis Heights Road, Moon Township, PA 15108 submitted a Final Report concerning the remediation of site soils and groundwater contaminated with natural gas condensate, including, but not limited to volatile organic compounds. The Final Report demonstrated attainment of the residential Statewide Health standard for soils and groundwater, and was approved by the Department on July 9, 2015.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass 484-250-5787

Widener University, 1516 Providence Avenue, **Delaware County**. Joseph Diamadi, Jr. Marshall Geoscience, Inc., 170 East First Avenue Collegeville, PA 19426 on behalf of Jerry Pasquariello, Widener University, 1 University Place, Chester, PA 19013 has submitted a Final Report concerning the remediation of site soil contaminated with leaded and unleaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 4, 2014. PF779408.

Miller Residence, 607 and 601 Barrett Avenue, Lower Moreland Township, **Montgomery County**. Paul Miller, 607 Barrett Avenue, Huntingdon Valley, PA 19006-6204 on behalf of Andy Meadows, J&J Environmental, Inc., P O. Box 370, Blue Bell, PA 19422-0370, Alan Hirschfeld, L&A Environmental Specialties, 219 Laureen Road, Schwenksville, PA 19473 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 heating oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 22, 2015. PF774989.

600-700 East Washington Street, 600-700 East Washington Street, Norristown Borough, **Montgomery County**. Matthew Lesley, ARCADIS U.S. 824 Market Street, Suite 820, Wilmington, DE 19801 on behalf of John Nugent, III, Redevelopment Authority of Montgomery County, 104 West Main Street, Suite 2, Norristown, PA 19410 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with inorganics and chlorinated solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 22, 2015. PF698865.

Rushton Farms, 967 Delchester Road, Willistown Township, **Chester County**. Andrew Gingrich, Synergy Environmental Inc., 155 Railroad Plaza, Royersford, PA 19468 on behalf of William Sudhaus, 967 Delchester Road, Newtown Square, PA 19073 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The 90 day Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on May 28, 2015. PF784413.

Balt, Inc., 801 West 6th Street, City of Chester, **Chester County**. Bill Johnson, Lindbach Funkhouser, Inc., 114 Fairfax Avenue, Louisville, KY 40207, Steven Ohrwaschel, Coventry Environmental, Inc., Coventry Environmental, Inc., 141 South Main Street, Spring City, PA 19475 on behalf of Susan Suplead, 801 West 6th Street, Chester, PA 19013 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with pah. The Remedial Investigation/Final Report was approved by the Department on May 27, 2015. PF774462.

Schulmerich Carillons Inc., 1 Carillon Hill Road, Borough of Sellersville, **Bucks County**. Walter H. Hungarter, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Christopher R. Canavan, Prospect Acquisition, LP, 404 Sumneytown Pike, Suite 200, North Wales, PA 19454 has submitted a Final Report concerning the remediation of site soil contaminated with arsenic. The Final report demonstrated attainment of the Site Specific and was approved by the Department on May 21, 2105. PF648757.

5960 Upland Way Property, 5960 Upland Way, City of Philadelphia, **Philadelphia County**. William Camp, 59096 Upland Way, LP, 123 East Lancaster Avenue, Ardmore, PA 19003 on behalf of Michael D. Lattanze, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, Michael A. Christie, P.G., Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with pcbs and svocs. The Cleanup Plan was approved by the Department on June 1, 2015. PF783059.

842 East Thayer Property, 842 East Thayer Street, City of Philadelphia, **Philadelphia County**. Bruno Mercuri, Mercuri & Associates, Inc., 627 Hampton Avenue, Southampton, PA 18966, Joe Crooks, Superior Tanks & Engery CO LLC, 302 Jefferson Avenue, Bristol, PA 19007-5241, David O'Donnell, Mercuri & Associates, Inc., 627 Hampton Avenue, Southampton, PA 18966, on behalf of Dana Saunders, PA REO, Inc., 759 Bristol Pike, Bensalem, PA 19020 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Standard and was approved by the Department on June 1, 2015. PF784346.

Gorski Residence, 43 Upland Township, Middletown Township, **Bucks County**. Thomas Hippensteal, P.G., Enviroserach Consultants, P. O. Box Envirosearch Consultants, P. O. Box 940, Springhouse, PA 19477 on behalf of Concetta Gorski, 43 Upland Road, Levittown, PA 19056 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 10, 2015. PF783459.

State Road Land Partners LP Parcel B, 2215 State Road, Bensalem Township, **Bucks County**. Jeffery K. Walsh, P.G., Penn Environmental & Remediation, 13180 Route 6, Mansfield, PA 16933 on behalf of Arnold Boyer, Waterside Construction, LP/Waterside Phased, I, LLC, 2310 Terwood Drive, Huntingdon Valley, PA 19006 has submitted a Final Report concerning the remediation of site soil contaminated with vocs, svoc, pesticide, pcbs and metals. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 19, 2015. PF620175.

Sitewide BP Trainer Refinery, 4101 Post Road, Trainer and Marcus Hook Borough, **Delaware County**. Iain Bryant, Sovereign Consulting, 111A North Gold Drive, Robbinsville, NJ 08691, Sasa Jazic, Atlantic Richfield, Company, 28100 Torch Parkway, Mail Code 2-S, Warrenville, Illinois 60555 on behalf of Matthew Torell, Monroe Energy, LLC, 4101 Post Road, Trainer, PA 19061 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganics. The Risk Assessment was approved by the Department on March 12, 2015. PF747691.

Wynnefield Plaza, 1717-25 North 54 Street, City of Philadelphia, **Philadelphia County**. Mark Irani, Land Recycling Solutions, LLC, 3101 Mt. Carmel Avenue, Suite 3 Glenside, PA 19038 on behalf of Bill Canteen, Wynnefield Place LP, 2000 Joshua Road, Lafayette Hill, PA 19444 has submitted a Final Report concerning the remediation of site soil contaminated with lead, pahs. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 20, 2015. PF7667730.

HMHE LLC, 115 East Lancaster Avenue, Tredyffrin Township, **Chester County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Hedny Sik Choe, HMHE, LLC, 1778 East Lancaster Avenue, Paoli, PA 19301 has submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 18, 2015. PF785458.

DBR Industrial Inc., 18 Penns Trail, Newtown Borough, **Bucks County**. Jason Pero, Brilliant Environmental Services, 3070 Bristol Pike, Building 2, Suite 105, Bensalem, PA 19020, Joe Crooks, Superior Tank and Energy, 302 Jefferson Avenue, Bristol, PA 19007 on behalf of Alan Hunt, DBR Industries, Inc., 18 Penns Trail, Newtown, PA 18940 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with heating oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 4, 2015. PF7854544.

Chesbrough Residence, 67 Dodds Lane, Lower Merion Township, **Montgomery County**. Michael Malone, Stante Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380, Andrew Zwack,

Superior Plus Energy Services, Inc., 1870 Winton Road South, Suite 200, Rochester, NY 14618 on behalf of Lindsey Chesbrough, 667 Dodd Lane, Gladwyne, PA 19035 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 29, 2015. PF785457.

10th and Vine Street Property, 10th and Vine Street, City of Philadelphia, **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104-0591 on behalf of Andy Troy, Eastern Tower Community Center, Philadelphia Chinatown Development Corporation, 301 North 9th Street, Philadelphia, PA 19107 has submitted a Remedial Investigation and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with pah's and other organics. The Cleanup Plan and Remedial Investigation were approved by the Department on May 15, 2015. PF760557.

Hunter Residence, 601 Buyers Road, Perkiokmen Township, **Montgomery County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038, Eleanor Collins, 340 Wartman Road, Collegeville, PA 19426 on behalf of Archie Hunter, 601 Buyers Road, Collegeville, PA 19426 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The 90 day Final report demonstrated attainment of Statewide Health Standard and was approved by the Department on June 8, 2015. PF793900.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone 412-442-4000.

General Permit Registration No. WMGR123SW022. Range Resources—Appalachia, LLC. Bier Tank Pad, Washington Road, Canonsburg, 15317. Registration to operate a facility under General Permit No. WMGR123 for processing and beneficial use of oil and gas liquid waste to be used as a water supply to develop or hydraulically fracture an oil or gas well at the Bier Tank Pad site located in North Strabane Township, **Washington County**. The permit for registration was approved by the Southwest Regional Office on July 9, 2015.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 301626. White Pines Corporation, 2650 Audubon Road, Audubon, PA 19403 for a facility at 515

SR 442, Millville, PA 17846, Pine Township, **Columbia County**. Renewal of the permit for ten years for the existing residual waste landfill. The permit was issued by Northcentral Regional Office on May 20, 2015 with a minor correction on June 16, 2015.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

Permit No. 301315. PPL Montour, LLC, Two North Ninth Street, Allentown, PA 18101 for a facility near Washingtonville, PA, Derry Township, **Montour County**. Modification to contours and elevations of the existing ash basin. The permit was issued by Northcentral Regional Office on June 18, 2015.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531

GP3-48-007: H & K Group, Inc. (2052 Lucon Road, Skippack, PA 19474) on May 13, 2015 to construct and operate a Portable Crushing Operation with water sprays at the ABE Materials Easton Quarry in Lower Mount Bethel Township, **Northampton County**.

GP9-48-007: H & K Group, Inc. (2052 Lucon Road, Skippack, PA 19474) on May 13, 2015 to install and operate three (3) Diesel I/C engines at the ABE Materials Easton Quarry in Lower Mount Bethel Township, **Northampton County**.

GP3-40-011: H & K Group, Inc. (2052 Lucon Road, Skippack, PA 19474) on June 11, 2015 to construct and operate a Portable Crushing Operation with water sprays at their Hazleton Materials Quarry in Foster Township, **Luzerne County**.

GP9-40-011: H & K Group, Inc. (2052 Lucon Road, Skippack, PA 19474) on June 11, 2015 to install and operate one (1) Diesel I/C engines at the Hazleton Materials Quarry in Foster Township, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

GP11-67-03173: Lafarge North America (5160 Main Street, Whitehall, PA 18052) on June 30, 2015, for two non-road engines, 675 bhp each, under GP11, at the Delta Concrete Plant in Peach Bottom Township, **York County**.

GP1-36-05076A: Lancaster General Hospital—Lancaster General Hospital (555 N. Duke Street, PO Box 3555, Lancaster, PA 17604-3555) on June 29, 2015, for one new boiler, under GP1, rated at approximately 30 MMBtus, fired with natural gas or #2 oil, at the hospital facility in Lancaster City, **Lancaster County**.

GP3-67-03171E: Kinsley Construction, Inc. (PO Box 2886, York, PA 17405-2886) on July 10, 2015, for portable nonmetallic mineral processing equipment, including 2 jaw crushers, 1 impact crusher, 3 vibratory screens and 2 stackers, under GP3 at the Sandbank Quarry in Springettsbury Township, **York County**.

GP11-67-03171E: Kinsley Construction, Inc. (PO Box 2886, York, PA 17405-2886) on July 10, 2015, for eight non-road engines under GP11, to operate mineral processing equipment at the Sandbank Quarry in Springettsbury Township, **York County**.

GP14-21-03081: Ronan Funeral Home (225 York Road, Carlisle, PA 17013) on July 9, 2015, for a human crematory at the funeral home located in South Middleton Township, **Cumberland County**. The general permit authorization was renewed.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940

GP5-43-340B: Enervest Operating LLC Cyphert Compressor Station (Brennaman Road, Mercer, PA) on July 7, 2015, for the authority to operate a 346 BHP compressor engine (Ajax DPC-360 LE Serial #9137), a 0.15 MMBtu/hr TEG Dehydrator and a process storage tank (BAQ-GPA/GP5) located at your facility in Wilmington Township, **Mercer County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

54-00017A: Lehigh Asphalt Paving And Construction Company (P O Box 549, Tamaqua, PA 18252-0549) issued on June 15, 2015 for addition of a cone crusher at the existing facility located in West Penn Township, **Schuylkill County**.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

07-05003D: Norfolk Southern Railway Co. (200 North 4th Avenue, Altoona, PA, 16601) on June 30, 2015, for the construction of one (1) natural gas-fired 1.56 megawatt (MW) reciprocating internal combustion engine and the installation of a catalytic oxidation unit to control CO, VOC and HAP emissions generated from the operation of the engine. The plan approval also authorizes the construction of approximately 181 small natural gas-fired space heaters to provide additional heating in areas where it is not economical to provide heat through the

operation of the new engine. As part of the project, three (3) existing 80 MMBtus per hour coal fired boilers will be decommissioned. The Juniata Locomotive Shops are located in the City of Altoona, **Blair County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920

15-0141: Tin Technologies and Refining, LLC (905 Fern Hill Road, West Chester, PA 19380) On July 10, 2015, for a diesel-fired emergency electric generator in West Goshen Township, **Chester County**.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

36-05002E: Armstrong World Industries, Inc. (1067 Dillerville Road, Lancaster, PA 17604) on July 8, 2015, for installation of a new luxury vinyl tile line at their flooring plant in the City of Lancaster, **Lancaster County**. The LVT line will consist of raw material storage and handling, blanket forming, lamination, sizing, coating and curing, and edge detailing. The materials include process aids, limestone, resin scrap vinyl, plasticizers and protective coatings. The plan approval was extended.

28-05048A: Wipro Enterprises, Inc. (PO Box 371, 1101 Sheffler Drive, Chambersburg, PA 17201) on July 8, 2015, for a cylinder paint booth to be installed at WEI's new hydraulic cylinder manufacturing in Chambersburg Borough, **Franklin County**. The plan approval was extended.

06-05115B: Granger Energy of Morgantown, LLC (16980 Wood Road, Lansing, MI 48906-1044) on July 8, 2015, for the installation of two (2) landfill gas-fired engines, two (2) additional compressors and one (1) 2,000 acfms enclosed flare in in Caernarvon Township, **Berks County**. The plan approval was extended.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

08-00030B: HEP Pennsylvania Gathering, LLC (17806 1H-10W Suite 210 San Antonio, TX 78257) on July 10, 2015, to extend the authorization for the construction of one natural-gas-fired compressor engine equipped with an oxidation catalyst at the Greenzweig Compressor Station located in Herrick Township, **Bradford County** to January 8, 2016. The plan approval has been extended.

55-00014A: Bingaman & Son Lumber, Inc. (1195 Creek Mountain Road, Kreamer, PA 17833) on July 9, 2015, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from July 17, 2015 to January 13, 2016, at their facility located in Middlecreek Township, **Snyder County**. The plan approval has been extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

10-00021: INDSPEC Chemical Corporation, (133 Main Street, Petrolia, PA 16050) The facility is located in Petrolia Borough, **Butler County**. On July 8, 2015, the Department performed a minor modification of the Title V Operating Permit for this chemical manufacturing facility. This minor modification stipulates the modes of operation, operating temperatures, and throughputs for the Extraction Unit Condensers—East & West (C135).

The permit revisions outlined above involve only monitoring and recording changes along with clarification of parameter limits. No physical changes are being made to the existing process or control equipment. This minor modification will result in an operating permit with greater assurance of compliance.

All of the notification requirements contained in 25 Pa. Code § 127.462 have been processed. These notifications were sent to Petrolia Borough, Butler County Commissioners, the Butler Eagle newspaper, Ohio Environmental Protection Agency, and the U.S. Environmental Protection Agency. The 21-day comment period began upon receipt of the minor permit modification application by the Department on May 29, 2015 and ended on June 18, 2015.

The expiration date of this permit continues to be March 31, 2017.

62-00017: United Refining Company (15 Bradley Street, Box 780 Warren, PA 16365-0780) on July 9, 2015, issued an administrative amendment to the Title V Operating Permit for the refinery located in Warren City, **Warren County**. The amendment incorporated the conditions from Plan Approval 62-017V.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

35-00045: Eureka Stone Quarry, Inc. (PO Box 249, Chalfont, PA 18914) issued on 07/13/2015, for the operation of a stone quarry and an asphalt production plant in Covington Township, **Lackawanna County**. The sources at the facility consist of stone crushers, feeders, conveyors, and screens with the emissions being controlled by water sprays; asphalt batch plant, cement silo, and aggregate bin which are controlled by baghouses. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

48-00101: Airlite Plastics Company (2860 Bath Pike, Nazareth, PA 18064) issued on 07/10/2015, for the operation of a polystyrene foam manufacturing facility in Upper Nazareth Township, **Northampton County**. The

sources consist of an expander, aging bags, molding presses, and molded part storage. This is a new State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

58-00010: Willams Field Services Company, LLC (51 Warren Street, Tunkhannock, PA 18657) The Department issued a State Only (Synthetic Minor) Operating Permit on July 14, 2015, for a gas compression station located in Springville Township, **Susquehanna County**.

48-00070: Prime Conduit Inc./Upper Nazareth (635 East Lawn Road, Nazareth, PA 18064-1213) on July 13, 2015 for the manufacture of rigid polyvinyl chloride (PVC) pipe via an extrusion process in Upper Nazareth Township, **Northampton County**. The primary sources are extrusion lines and storage silos. The control devices are dust collectors. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. This is a renewal of the State-Only Natural Minor operating permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

07-05038: Federal Carbide Co. (1 Eagle Ridge Road, Tyrone, PA 16686-9517) on July 1, 2015, for the tungsten carbide tool and die parts manufacturing facility in Snyder Township, **Blair County**. The State-only permit was renewed.

36-03120: Esbenshade Mills (220 Eby Chiques Road, Mount Joy, PA 17552-8800) on July 7, 2015, for the animal feed processing facility located in Rapho Township, **Lancaster County**. The State-only permit was renewed.

36-05101: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422-2303) on June 23, 2015, for the batch asphalt plant located in Warwick Township, **Lancaster County**. The State-only permit was renewed.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

17-00021: West Branch Area School District (516 Allport Cutoff, Morrisdale, PA 16858) on July 9, 2015, was issued a renewal state only operating permit for their Bigler Cutoff Junior/Senior High School located in Morris Township, **Clearfield County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

25-01038: LORD Corporation/Erie Facility (2455 Robison Road, Erie, PA 16509-4675) On July 8, 2015, the Department issued a Synthetic Minor Permit to operate a fabricated metal/rubber parts manufacturing facility lo-

cated in Summit Township, **Erie County**. This plant has taken restrictions on VOC and HAP emissions to qualify for a Synthetic Minor Operating Permit.

The operations at this facility were formerly conducted at the West 12th Street manufacturing plant and the Grandview Avenue corporate offices before being relocated to the Robison Road location. Plan Approval Number 25-1038A was issued on June 20, 2013, and authorized the installation and initial operation of the equipment at the new location. All applicable requirements from that plan approval have been incorporated into the proposed operating permit.

The primary sources at this facility include the adhesive and surface coating Spray Booths (Source ID: 1001), the Metal Preparation Tanks (Source ID: 1002), and the Research & Development facilities (Source ID: 1004). There are also two natural gas fired boilers (Source ID: 0030) that supply steam and three (3) Emergency Power Generators (Source ID: 1010) that supply emergency electric power to the facility.

Source ID: 1010—Emergency Power Generators (3) must meet the requirements of 40 CFR Part 60, Subpart III, for compression ignition engines. The requirements of that subpart have been attached to the source.

The potential emissions from this facility are as follows. (All values are in tons/year.) $PM_{10} = 1.0$, $PM_{2.5} = 1.0$, $SO_x = 0.087$, $NO_x = 13.46$, $CO = 9.29$, $VOC = 24.5$, Total HAPs = 24, Individual HAPs = 9.9.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

22-05012: ArcelorMittal Steelton, LLC (215 South Front Street, Steelton, PA 17113-2538) on July 9, 2015, for the steel manufacturing facility in Steelton Borough, **Dauphin County**. The Title V permit underwent a minor modification in order to accommodate the use of No. 2 distillate oil as backup/supplemental fuel in the two existing boilers 032A and 035A. This included addition of hazardous air pollutant (HAP) emission limits in order to clarify the applicable federal boiler requirements, addition of oil sulfur content limits from 25 Pa. Code § 123.22, and modification of the applicability of 40 CFR Part 60, Subpart Dc boiler requirements.

28-05012: Volvo Construction Equipment NA LLC (312 Volvo Way, Shippensburg, PA 17257) on June 24, 2015, for the road machinery manufacturing facility located in Shippensburg Borough, **Franklin County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 28-05012A.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

55-00008: Apex Homes of PA, LLC (7172 Route 522 Middleburg, PA 17842) issued a revised State Only (Synthetic Minor) Operating Permit on July 7, 2015, due

to a change in ownership of the Middlecreek Plant facility from Apex Homes Inc. to Apex Homes of PA, LLC. This facility is located in Middlecreek Township, **Snyder County**. This operating permit contains all applicable regulatory requirements including monitoring, record-keeping, and reporting conditions. The operating permit has been transferred.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

10-00285: Waste Mgmt Disposal Services/Northwest Sanitary Landfill (1436 West Sunbury Road, West Sunbury, PA 16061-2934). On July 10, 2015 issued an administrative amendment to the Title V Operating Permit to incorporate the requirements of plan approval 10-285C for the facility located in Clay Township, **Butler County**.

24-00123: Advanced Disposal Services Greentree LDFL LLC/Kersey (635 Toby Road, Kersey, PA 15846-1033). On July 10, 2015 issued an administrative amendment to the Title V Operating Permit to incorporate the requirements of plan approval 24-123H for the facility located in Fox Township, **Elk County**.

25-00918: IUVO BioScience Operations LLC (2205 East 33rd Street, Erie, PA 16510) on July 1, 2015 the Department administratively amended the State Operating Permit for the medical sterilization facility located in Erie City, **Erie County**. The amendment incorporates the name change from MMC Sterilization Services Group to IUVO BioScience Operations LLC. The responsible official changed to Benjamin Burton—CEO, President.

43-00270: CCL Container (1 Llodio Drive, Hermitage, PA 16148-9015). On July 9, 2015 issued an administrative amendment to the Synthetic Minor Operating Permit to incorporate the change of Responsible Official for the permit.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Issued

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

56910701 and NPDES No. PA0213560. PBS Coals, Inc., (P. O. Box 260, Friedens, PA 15541). To renew the NPDES permit for the Job 10 Refuse in Brothersvalley

and Somerset Townships, **Somerset County**. No additional Discharges. The application was considered administratively complete on October 17, 2012. Application received February 27, 2012. Permit issued March 18, 2015.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 32130103 and NPDES No. PA0269301, Alverda Enterprises, Inc., 87 Alverda, PA 15710, commencement, operation and restoration of a bituminous surface & auger mine in Grant Township, **Indiana County**, affecting 38.8 acres. Receiving streams: unnamed tributary to Little Mahoning Creek classified for the following use: high quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 19, 2013. Permit issued: July 7, 2015.

The permit includes a stream encroachment to conduct surface coal mining activities (support only) within the barrier area of 100' of the source of unnamed tributary to Dixon Run.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17080104. P & N Coal Company, Inc. (240 West Mahoning Street, P.O. Box 332, Punxsutawney, PA 15767). Permit renewal for reclamation only of a bituminous surface and auger mine located in Ferguson Township, **Clearfield County** affecting 233.6 acres. Receiving stream(s): Snyder Run, Tuckers Run, and Rattling Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 2, 2015. Permit issued: July 6, 2015.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

Permit No. 54920202T. Dorenzo Coal Co., LLC, (19 Laudeman's Lane, Pottsville, PA 17901), transfer of an existing anthracite coal refuse reprocessing and refuse disposal operation in Branch Township, **Schuylkill County** affecting 18.9 acres, receiving stream: West Branch Schuylkill River. Application received: April 21, 2015. Transfer issued: July 9, 2015.

Permit No. 54920202C. Dorenzo Coal Co., LLC, (19 Laudeman's Lane, Pottsville, PA 17901), correction to update the post-mining land use from forestland to residential and industrial of an existing anthracite coal refuse reprocessing and refuse disposal operation in Branch Township, **Schuylkill County** affecting 18.9 acres, receiving stream: West Branch Schuylkill River. Application received: April 21, 2015. Correction Issued: July 9, 2015.

Permit No. 54940202T. Dorenzo Coal Co., LLC, (19 Laudeman's Lane, Pottsville, PA 17901), transfer of an existing anthracite coal refuse reprocessing, refuse disposal and preparation plant operation in Branch Township, **Schuylkill County** affecting 30.3 acres, receiving West Branch Schuylkill River. Application received: April 21, 2015. Transfer issued: July 9, 2015.

Permit No. 54940202C. Dorenzo Coal Co., LLC, (19 Laudeman's Lane, Pottsville, PA 17901), correction to update the post-mining land use from forestland to residential and industrial of an existing anthracite coal refuse reprocessing, refuse disposal and preparation plant operation in Branch Township, **Schuylkill County** affecting 30.3 acres, receiving stream: West Branch Schuylkill River. Application received: April 21, 2015. Correction Issued: July 9, 2015.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

Permit No. 22154104. Abel Construction Co., Inc., (PO Box 476, Mountville, PA 17554), construction blasting for Mountindale Phase 6 in Susquehanna Township, **Dauphin County** with an expiration date of July 5, 2016. Permit issued: July 7, 2015.

Permit No. 36154123. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Luke Ray Zimmerman dwelling in West Earl Township, **Lancaster County** with an expiration date of August 30, 2015. Permit issued: July 7, 2015.

Permit No. 36154124. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Petra Church in East Township, **Lancaster County** with an expiration date of October 30, 2015. Permit issued: July 7, 2015.

Permit No. 58154121. Meshoppen Blasting, Inc., (P. O. Box 127, Meshoppen, PA 18630), construction blasting for SWN RU 06 Flohs Pad & access road in Great Bend Township, **Susquehanna County** with an expiration date of June 15, 2016. Permit issued: July 7, 2015.

Permit No. 58154124. John H. Brainard, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for Ferguson Gas Pad in Harford Township, **Susquehanna County** with an expiration date of December 31, 2015. Permit issued: July 7, 2015.

Permit No. 64154104. Holbert Explosives Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for 156 Eskra Road in Paupack Township, **Wayne County** with an expiration date of June 30, 2016. Permit issued: July 7, 2015.

Permit No. 36154125. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for David Lapp farm building in West Earl Township, **Lancaster County** with an expiration date of October 30, 2015. Permit issued: July 9, 2015.

Permit No. 36154126. J Roy's, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Randy Andrews Farm in West Lampeter Township, **Lancaster County** with an expiration date of July 8, 2016. Permit issued: July 9, 2015.

Permit No. 36154127. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for a flower shop in Mt. Joy Township, **Lancaster County** with an expiration date of July 8, 2016. Permit issued: July 9, 2015.

Permit No. 39154106. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Liberty at Spring Creek in Lower Macungie Township, **Lehigh County** with an expiration date of June 25, 2016. Permit issued: July 9, 2015.

Permit No. 46154103. Brubacher Excavating, Inc., (P.O. Box 528, Bowmansville, PA 17507), construction blasting for Meadows at Frederick in Upper Frederick Township, **Montgomery County** with an expiration date of July 1, 2016. Permit issued: July 9, 2015.

Permit No. 58154125. DW Drilling & Blasting, (2042-B S. Brentwood Boulevard, Suite 115, Springfield, MO 65804) construction blasting for Warriner Gas Pad in Bridgewater Township, **Susquehanna County** with an expiration date of July 1, 2016. Permit issued: July 9, 2015.

Permit No. 45154103. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Eagle Ridge Lot 83 in Smithfield Township, **Monroe County** with an expiration date of July 2, 2016. Permit issued: July 10, 2015.

Permit No. 35154002. Controlled Demolition, Inc., (13401 Still Haven Court, Phoenix, MD 21131), demolition of Community Central Energy Chimney in the City of Scranton, **Lackawanna County** with an expiration date of August 2, 2015. Permit issued: July 13, 2015.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501–508 and 701–704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E38-193: S, A & B Partners I, 2121 Old Gatesburg Road, State College, PA 16803 in South Londonderry Township, **Lebanon County**, U.S. Army Corps of Engineers, Baltimore District.

To 1.) construct and maintain an 8-inch sanitary sewer pipe and waterline wetland and stream crossing, impacting 20 linear feet of an unnamed tributary to Spring Creek (WWF) and 0.01 acre of palustrine emergent wetlands; and 2.) install and maintain a cross rock vane in an unnamed tributary to Spring Creek (WWF), all for the purpose of constructing a residential development. The project is located at the end of Lyndel Drive approximately 2,000 feet southeast of the intersection of Lyndel Drive and Lawn Road (Palmyra, PA Quadrangle, Latitude: 40°16'24.7", Longitude: -76°34'17.8") in South Londonderry Township, Lebanon County. Wetland impacts are de minimus and replacement is not required. The permit was issued on June 30, 2015.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D57-045EA. Mr. Kenneth Shaffer, 2686 Route 4008, Forksville, PA 18616. Cherry Township, **Sullivan County**, USACOE Baltimore District.

Project proposes to remove the Prospect Pond Dam for the purpose of eliminating a threat to public safety restoring approximately 120 feet of stream channel to a free-flowing condition. The project is located across a tributary to Lick Creek (CWF, MF) (Dushore, PA Quadrangle, Latitude: 41.5611; Longitude: -76.4635).

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501–508 and 701–704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form

and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so indi-

viduals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Mercer County Conservation District, 747 Greenville Road, Mercer, PA 16137-2242

<i>ESCGP -2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG00 085 15 0001	National Fuel Gas Supply Corporation 1100 State Street Erie, PA 16501	Erie	Jefferson Twp	UNT Shenango River WWF

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-2 #ESG15-047-0002-E09-S

Applicant Seneca Resources

Contact Doug Kepler

Address 5800 Corporate Drive Suite 300

City Cranberry Township State PA Zip Code 15237

County Jones Township(s) Elk

Receiving Stream(s) and Classification(s) South Fork Straight Creek (HQ-CWF, EV), Trib 50777 to South Fork Straight Creek (HQ-CWF, EV)

ESCGP-2 #ESX15-019-0022—Dorado Well Pad

Applicant EM Energy Pennsylvania LLC

Contact Hugh Caperton

Address 1800 Main Street, Suite 220

City Canonsburg State PA Zip Code 15317

County Butler Township(s) Washington

Receiving Stream(s) and Classification(s) Tributary 34781 to Slippery Rock Creek

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-2 # ESG29-115-14-0108(01)

Applicant Name Bluestone Pipeline Company of PA, Inc.

Contact Person Herman VanEck, Jr

Address 1429 Oliver Road

City, State, Zip New Milford, PA 18834

County Susquehanna

Township(s) Thompson and Jackson Twps

Receiving Stream(s) and Classification(s) South Branch of Canawacta Creek (CWF), Salt Lick Creek (HQ), Butler Creek (CWF), Drinker Creek (CWF), and Tunkhannock Creek (CWF)

ESCGP-2 # ESX10-117-0032(01)

Applicant Name SWEPI LP

Contact Person Jason Shoemaker

Address 2100 Georgetown Drive, Suite 400

City, State, Zip Sewickley, PA 15143

County Tioga

Township(s) Rutland Twp

Receiving Stream(s) and Classification(s) UNT to Elk Run & UNT to Mill Creek (TSF)

Secondary—Elk Run & Mill Creek

ESCGP-2 # ESG29-023-14-0015

Applicant Name NFG Midstream Clermont, LLC

Contact Person Duane Wassum

Address 6363 Main Street

City, State, Zip Williamsville, NY 14221

County Cameron

Township(s) Shippen Twp

Receiving Stream(s) and Classification(s) (1) Havens

Run (HQ-CWF), (2) Brewer Fork (EV), (3) Nichols Run

(EV), (4) Left Branch Cooks Run (EV), (5) UNTs to Elk

Fork (EV), (6) Eighteen Hollow (EV), (7) High Dry

Hollow (EV) and (8) UNTs to Cooks Run (EV)

Secondary—(1) Potato Creek (HQ, CWF), (2) Elk Fork

(EV), (3) Elk Fork (EV), (4) Cooks Run (EV), (5) Elk

Fork (EV), (6) Left Branch Cooks Run (EV), (7) Cooks

Run (EV), and (8) Cooks Run (EV)

ESCGP-2 # ESX29-115-15-0026

Applicant Name Cabot Oil & Gas Corporation

Contact Person Kenneth Marcum

Address Five Penn Center West, Suite 401

City, State, Zip Pittsburgh, PA 15276-0120

County Susquehanna

Township(s) Dimock Twp

Receiving Stream(s) and Classification(s) UNT to White Creek (CWF) #40535

ESCGP-2 # ESX29-117-15-0012(01)

Applicant Name SWN Production Company, LLC

Contact Person Jeff Whitehair

Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 18657

County Tioga

Township(s) Liberty Twp

Receiving Stream(s) and Classification(s) UNT to Blacks Creek (CWF, NR)

Secondary—Susquehanna River (WWF)

ESCGP-2 # ESX29-015-15-0013

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840

County Bradford

Township(s) Terry Twp

Receiving Stream(s) and Classification(s) UNT to Susquehanna River (WWF)

Secondary—Susquehanna River (WWF)

ESCGP-2 # ESX11-115-0137(02)

Applicant Name Williams Field Services Company, LLC

Contact Person Lauren Miladinovich

Address Park Place Corporate Center 2, 2000 Commerce Drive

City, State, Zip Pittsburgh, PA 15275-1026

County Susquehanna

Township(s) Auburn and Springville Twps

Receiving Stream(s) and Classification(s) UNTs to North Branch Wyalusing Creek (CWF), UNTs to Middle Branch Wyalusing Creek (CWF), UNT to Terry Creek (CWF) Watersheds: Upper Susquehanna-Tunkhannock Watershed

ESCGP-2 # ESG29-117-15-0016

Applicant Name SWN Production Company, LLC

Contact Person Jeff Whitehair

Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 18657

County Tioga

Township(s) Liberty Twp

Receiving Stream(s) and Classification(s) Little Fall Creek (HQ-CWF, EV, NRT), Custard Run (CWF, EV, NRT)

Secondary—Zimmerman Creek (HQ-CWF, EV), Long Run (CWF, EV, NRT)

ESCGP-2 # ESG29-023-15-0001

Applicant Name Seneca Resources Corporation

Contact Person Doug Kepler

Address 5800 Corporate Drive, Suite 300

City, State, Zip Pittsburgh, PA 15237

County Cameron

Township(s) Shippen Twp

Receiving Stream(s) and Classification(s) North Creek and Six and One Half Mile Hollow (EV)/North Creek and Six and One Half Mile Hollow Watersheds

Secondary—Driftwood Branch Sinnemahoning Creek

ESCGP-2 # ESX29-027-15-0002

Applicant Name Superior Appalachian Pipeline, LLC

Contact Person Kenneth Magyar

Address 1000 Town Center Way, Suite 120

City, State, Zip Canonsburg, PA 15317

County Center

Township(s) Snow Shoe Twp

Receiving Stream(s) and Classification(s) Trib 22745 to Sandy Run/Bald Eagle (CWF)

Secondary—Sandy Run

ESCGP-2 # ESG29-015-15-0012

Applicant Name Appalachia Midstream Services, LLC

Contact Person Randy Delaune

Address 400 1st Center, Suite 404

City, State, Zip Horseheads, NY 14845-1015

County Bradford

Township(s) Monroe Twp

Receiving Stream(s) and Classification(s) S. Branch Towanda Creek and UNT to Towanda Creek (CWF); Schrader Creek and Millstone Creek (HQ-CWF)

Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr., Pittsburgh, PA

ESCGP-2 No: ESG14-125-0075

Applicant Name: Range Resources Appalachia LLC

Contact Person Glenn D Truzzi

Address: 3000 Town Center Boulevard

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township: North Strabane

Receiving Stream(s) and Classifications: UNTs to Little Chartiers Creek/Chartiers Creek Watershed; HQ; Siltation-Impaired

ESCGP-2 No.: ESG14-059-0084

Applicant Name: PA Land Resources LLC DBA P L Resources LLC

Contact Person: Nick Mongelluzzo

Address: PO Box 247

City: Waynesburg State: PA Zip Code: 15370

County: Greene Township(s): Franklin

Receiving Stream(s) and Classifications: Stewart Run

(HQ-WWF)/South Fork Tenmile Creek; UNT to Smith Creek (WWF)/South Fork Tenmile Creek; HQ

ESCGP-2 No.: ESX14-125-0073 Major Revision

Applicant Name: MarkWest Liberty Midstream & Resources LLC

Contact Person: Richard E Lowry

Address: 4600 J Barry Court Suite 500

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): Robinson

Receiving Stream(s) and Classifications: UNTs to Robinson Run/Chartiers Creek; Other WWF

ESCGP-2 No.: ESG15-059-0012

Applicant Name: Rice Poseidon Midstream LLC

Contact Person: Kyle Shirey

Address: 400 Woodcliff Drive

City: Canonsburg State: PA Zip Code: 15317

County: Greene Township(s): Center

Receiving Stream(s) and Classifications: UNT to Claylick Run (HQ-WWF)/Tenmile Creek; HQ

ESCGP-2 No.: ESG15-059-0022

Applicant Name: CONE Gathering LLC

Contact Person: Carol Phillips

Address: 200 Evergreene Drive

City: Waynesburg State: PA Zip Code: 15370

County Greene Township(s): Center

Receiving Stream(s) and Classifications: Claylick Run HQ-WWF, UNTs to Claylick Run HQ-WWF, UNTs to Tenmile Creek HQ-WWF: HQ

ESCGP-2 No.: ESG14-059-0077

Applicant Name: EQM Gathering OPCO LLC

Contact Person: Hanna E McCoy

Address: 625 Liberty Avenue Suite 1700

City: Pittsburgh State: PA Zip Code: 15222

County: Greene Township(s): Center

Receiving Stream(s) and Classifications: West Run, Scott Run, Browns Creek, Ruff Creek all HQ-WWF; HQ; Other High Quality Warm Water Fishes

ESCGP-2 No.: ESG14-059-0081

Applicant Name: Vista Gathering LLC

Contact Person: Mike Hopkins

Address: 480 Johnson Road Suite 100

City: Washington State: PA Zip Code 15301

County: Greene Township(s): Franklin and Washington

Receiving Stream(s) and Classifications: 2 UNT to Wisecarver Run, Wisecarver Run, 5 UNT to Purman Run, Purman Run, and Jackson Run; HQ; Other WWF

[Pa.B. Doc. No. 15-1376. Filed for public inspection July 24, 2015, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper

copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance Document—Substantive Revision

DEP ID: 261-0300-101. **Title:** Land Recycling Program Technical Guidance Manual for Vapor Intrusion into Buildings from Groundwater and Soil under Act 2. **Description:** The Land Recycling Program Vapor Intrusion (VI) Guidance has been substantially revised to update scientific deficiencies of the current guidance. Screening values and the way they are calculated have been updated and there are multiple clarifications that have been made to language, definitions and procedures. Revising the VI guidance will help to avoid confusion for remediators and regional office staff about how to address the VI pathway under the Statewide health standard and the site-specific standard.

Written Comments: Interested persons may submit written comments on this draft technical guidance document by Wednesday, September 23, 2015. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are urged to submit comments using the Department's online eComment for policies at www.ahs.dep.pa.gov/eComment. Written comments should be submitted to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, ecomment@pa.gov.

Contact: Questions regarding this technical guidance document should be directed to Troy Conrad, Land Recycling Program Manager, (717) 783-9480, tconrad@pa.gov.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

Draft Technical Guidance Document—Substantive Revision

DEP ID: 291-4100-001. **Title:** The Radiation Protection Compliance and Enforcement Guidance. **Description:** This guidance, which became effective on March 15, 1994, and was updated on November 26, 2005, establishes standard procedures for encouraging compliance with and enforcing the regulations in 25 Pa. Code, Subpart D, Article V (relating to radiological health), which the Bureau of Radiation Protection (Bureau) has the authority to administer. The Bureau's regulatory responsibilities are authorized by the Radiation Protection Act (35 P. S. §§ 7110.101—7110.703), the Radon Certification Act (63 P. S. §§ 2001—2014) and the Low-Level Radioactive Waste

Disposal Act (35 P. S. §§ 7130.101—7130.905). On March 31, 2008, Pennsylvania became an Agreement State. As a result, Pennsylvania is responsible for issuing a wider array of radioactive materials licenses and for conducting more in-depth inspections. The narrow scope of the existing document necessitates a revision to produce a broader document that will be applicable to the diverse types of violations that the Bureau has encountered since the existing document was last updated and to ensure that enforcement actions are consistent and appropriate. Thus, civil penalty matrices have been developed for each of the radiation protection focus areas to ensure that any civil penalty assessed is calculated in a manner that encourages compliance and improved operations at a facility.

Written Comments: Interested persons may submit written comments on this draft technical guidance document by Monday, August 24, 2015. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are urged to submit comments using the Department's online eComment system at www.ahs.dep.pa.gov/eComment. Written comments should be submitted to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, ecomment@pa.gov.

Contact: Questions regarding this action should be directed to Joseph Melnic, (717) 783-9730, jmelnic@pa.gov.

Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-1377. Filed for public inspection July 24, 2015, 9:00 a.m.]

Environmental Justice Advisory Board Meeting Cancellation

The August 4, 2015, meeting of the Environmental Justice Advisory Board (Board) is cancelled. The next regular meeting of the Board is scheduled for Thursday, November 5, 2015, at 8:30 a.m. in the Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and meeting materials for the November 5, 2015, meeting will be available on the Department of Environmental Protection's web site at www.dep.state.pa.us (Select "Public Participation Center," then "Advisory Committees," then "Environmental Justice Advisory Board").

Questions concerning the Board's next scheduled meeting may be directed to Patrick McDonnell, (717) 783-8727, pmcdonnell@pa.gov.

JOHN QUIGLEY,
Chairperson

[Pa.B. Doc. No. 15-1378. Filed for public inspection July 24, 2015, 9:00 a.m.]

Pennsylvania Small Business Advantage Grant Availability

The Department of Environmental Protection (Department) announces the availability of \$1,000,000 of grant funding in the twelfth year of the Commonwealth's Small Business Advantage Grant Program (Program) for small businesses that adopt or acquire equipment or processes that promote pollution prevention or energy efficiency projects, or both. With over 900,000 small businesses in this Commonwealth, a well designed energy efficiency or pollution prevention project can help small businesses cut operating costs and complement the economy, while simultaneously protecting the environment.

The Program is a first-come, first-serve grant program that provides up to 50% reimbursement matching grants, up to a maximum of \$9,500. Eligible projects must save the small business a minimum of \$500 and at least 25% annually in energy consumption or pollution related expenses.

An eligible applicant must have 100 or fewer employees, be a for-profit small business owner and be taxed as a for-profit business located within this Commonwealth. The project to which the grant will apply must be located within the applicant's Commonwealth facility.

For a copy of the application package and to review the Program's administrative requirements, contact the Department's Grants Center at (717) 705-5400 or from the Department's web site at www.dep.state.pa.us (Select on "DEP Programs A-Z," then "O," then "Ombudsman"). To ask a technical question concerning a project, write to epadvantagegrant@pa.gov before submitting an application.

Applications may be submitted on or after Monday, July 27, 2015, and will be accepted until the funds are exhausted for this fiscal year. Faxes or other electronic submissions will not be accepted.

Completed applications can be mailed to the Department of Environmental Protection Grants Center, P. O. Box 8776, Harrisburg, PA 17105-8776, hand-delivered or sent by other shipping services to the Department of Environmental Protection Grants Center, 15th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301. The application package contains the materials and instructions necessary for applying for the Small Business Advantage Grant.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-1379. Filed for public inspection July 24, 2015, 9:00 a.m.]

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-2553 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-1380. Filed for public inspection July 24, 2015, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Parkhouse Nursing and Rehabilitation Center
1600 Black Rock Road
Royersford, PA 19468
FAC ID # 133402

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 15-1381. Filed for public inspection July 24, 2015, 9:00 a.m.]

Solid Waste Advisory Committee; Ad Hoc Convenience Center Subcommittee Meeting

The Department of Environmental Protection's (Department) Solid Waste Advisory Committee's Ad Hoc Convenience Center Subcommittee will meet at 10 a.m. on Wednesday, August 5, 2015, in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the meeting is to continue discussion on the feasibility of establishing recycling convenience centers in rural areas.

Questions concerning this meeting should be directed to Keith Ashley, (717) 787-2553, riashley@pa.gov.

DEPARTMENT OF TRANSPORTATION

Finding

Under section 2002 of The Administrative Code of 1929 (71 P. S. § 512) establishing the Department of Transportation (Department), the Deputy Secretary for Highway Administration, as delegated by the Secretary of Transportation, makes the following written finding:

The Department plans to construct the Central Susquehanna Valley Transportation (CSV) Project be-

tween the Selinsgrove Interchange of U.S. Routes 11/15 in Monroe Township, Snyder County, and the PA Route 45 Interchange on PA Route 147 in West Chillisquaque Township, Northumberland County.

The CSVT project involves the construction of approximately 13 miles of new four-lane limited access highway that will connect U.S. Routes 11/15 near Selinsgrove (Snyder County) to U.S. Route 15 near Winfield (Union County) to PA Route 147 near Montandon (Northumberland County).

The proposed project will impact the following Section 4(f)/Section 2002 resources (that is, recreation area, wildlife or waterfowl refuge, or both, historic site, State forest land, State game land, wilderness area or public park):

- West Branch of the Susquehanna River National Recreation Trail (under the administrative/management jurisdiction of the National Park Service)

- o *Proposed Use*—The construction of the proposed new CSVT multispan bridge structure over the river will require the placement of piers within the river. Additionally, a partial-width causeway will be constructed within the river during construction of the proposed bridge structure. The causeway will be removed upon completion of bridge construction activities.

- West Branch of the Susquehanna River State Water Trail (under the administrative/management jurisdiction of the Fish and Boat Commission)

- o *Proposed Use*—The construction of the proposed new CSVT multispan bridge structure over the river will require the placement of piers within the river. Additionally, a partial-width causeway will be constructed within the river during construction of the proposed bridge structure. The causeway will be removed upon completion of bridge construction activities.

- Department of Conservation and Natural Resources (DCNR) Managed Islands within the West Branch of the Susquehanna River

- o *Proposed Use*—A DCNR river island (identified by DCNR as SWB001) will be spanned by the proposed new CSVT bridge structure. The resulting impact to the island comes in the form of an easement that provides the Department the authority to construct, operate and maintain the CSVT River Bridge. The Department and DCNR shall have joint jurisdiction over approximately 48,832 square feet of the subject island to accommodate the proposed CSVT bridge.

- National Register (NR) of Historic Places eligible—Sunbury to Erie Division of the Pennsylvania Railroad

- o *Proposed Use*—The NR-eligible railroad line will be spanned by the proposed new CSVT bridge structure by means of an aerial easement 280 feet wide, which totals approximately 0.50 acre across the NR boundary of the historic railroad line. There will also be temporary construction easements required to construct the proposed bridge structure totaling approximately 0.23 acre.

Section 4(f) documents have been developed for the previous impacts and also serve as the Section 2002 Evaluation required by section 2002(a)(15) of the Administrative Code of 1929. Based upon the studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed project, and all reasonable steps have been taken to minimize the effects.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that all reasonable planning was completed to avoid, minimize or mitigate for the environmental effects that are likely to result from the construction of this section of highway.

R. SCOTT CHRISTIE, PE,
Deputy Secretary for
Highway Administration

[Pa.B. Doc. No. 15-1382. Filed for public inspection July 24, 2015, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Marjorie Hudson, Lorne Swope, David Lippert and Delores Steiner v. DEP and CFC Fulton Properties, LLC, Permittee; EHB Doc. No. 2015-096-L

Marjorie Hudson, Lorne Swope, David Lippert and Delores Steiner have appealed the issuance by the Department of Environmental Protection of an NPDES permit to CFC Fulton Properties, LLC for stormwater discharges associated with construction activities in Ayr Township, Fulton County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 15-1383. Filed for public inspection July 24, 2015, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The August 18, 2015, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is scheduled for Tuesday, September 15, 2015, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and meeting materials for the September 15, 2015, meeting will be available on the Department of Environmental Protection's web site at www.dep.state.pa.us (Select "Public Participation Center," then "The Environmental Quality Board," then "EQB Meeting Schedule 2015").

Questions concerning the Board's next scheduled meeting may be directed to Laura Edinger, (717) 783-8727, ledinger@pa.gov.

JOHN QUIGLEY,
Chairperson

[Pa.B. Doc. No. 15-1384. Filed for public inspection July 24, 2015, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Office of ADMINISTRATION (OA)			
No regulations being developed or considered at this time.			
Department of AGING			
Protective Services for Older Adults 6 Pa. Code Chapter 15	Winter 2015-2016, as Proposed	The Older Adults Protective Services Act is under review in light of current interest in enhancing protections for vulnerable Pennsylvanians, the decision of the PA Supreme Court in <i>Nixon et al. v. Commonwealth, et al.</i> (which found the current protective services law to be unconstitutional) and numerous technical and administrative provisions that need to be revised. Regulations are routinely being reviewed as numerous pieces of pending legislation are being considered in addition to this omnibus proposal.	Denise Getgen (717) 772-0184

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Pennsylvania Community Adult Respite Services Program Act 166 of 2014	Winter 2015-2016, as Proposed	Act 166 of 2014 (P. L. 2615, Oct. 22, 2014, No. 166) created a new program called the Pennsylvania Community Adult Respite Services Program. The new law took effect in April 2015. Per Section 11 of the Act, the Department has one year to promulgate guidance, such as regulations or statements of policy governing these programs. These programs are intended to provide community adult respite to eligible persons for part of a 24 hour day, filling a niche between senior centers and older adult daily living centers.	Kevin Longenecker (717) 265-7568
Family Caregiver Support Program 6 Pa. Code Chapter 20	Winter 2015-2016, as Proposed	This chapter became effective in July of 1992. It was last revised in 2007. Recently, the chapter was reviewed by a workgroup to address the lack of statewide uniformity for the Caregiver Support Program and to address the current and future needs of the caregiver. Revised regulations were drafted for executive review; however, due to the change of Administration and recent program developments, the stakeholder process will need to be revisited.	Steve Horner (717) 772-1221
<i>Department of AGRICULTURE</i>			
Domestic Animal 7 Pa. Code Chapters 2, 3, 16, 18 and 20a	December 2015, as Proposed	The long-term project is intended to update the Department's Regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	Craig E. Shultz (717) 772-2852
Weights and Measures Regulations 70 Pa. Code Chapters 1—101	September 2015, as Proposed	This long-term project is intended to update the Department's regulations authorized by the Consolidated Weights and Measures Act.	Walt Remmert (717) 787-6772
Commercial Feed Rules and Regulations 7 Pa. Code Chapter 71	May 2015, as Proposed	This regulation will replace 7 Pa. Code Chapter 71 and implement provisions of 3 Pa.C.S.A. §§ 5101—5115 (Commercial Feed Act).	Erin Bubb (717) 772-5215
Pet Food Rules and Regulations 7 Pa. Code Chapter 72	May 2015, as Proposed	This regulation will replace 7 Pa. Code Chapter 72 and implement provisions of 3 Pa.C.S.A. §§ 5101—5115 (Commercial Feed Act).	Erin Bubb (717) 772-5215

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Clean and Green Regulations 7 Pa. Code Chapter 137b	June 2015, as Final-Form	This regulation will address statutory changes made by six separate amendments to the underlying statute, and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167
Agriculture Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e	April 2015, as Proposed	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167
Pennsylvania Preferred Program Regulations 7 Pa. Code Chapter 107	August 2015, as Final-Form	This regulation will establish standards required under the Pennsylvania Preferred Act (3 Pa.C.S.A §§ 4601—4611).	Lela Reichart (717) 783-8462
Horse Racing Regulations 58 Pa. Code Chapter 163	June 2015, as Proposed	This regulation will amend 58 Pa. Code Sections 163.251—163.272 which relates to claiming horses.	Walt Remmert (717) 787-1942
<i>Department of BANKING AND SECURITIES (DOBS)</i>			
Merger-related amendatory regulations under the Pennsylvania Securities Act of 1972	Summer 2015, as Proposed	Required pursuant to 70 P. S. § 1-609	Leo Pandeladis (717) 787-1471
<i>Department of COMMUNITY AND ECONOMIC DEVELOPMENT (DCED)</i>			
Minority Business Development Authority 12 Pa. Code Chapter 81 (#4-98)	Fall 2015, as Proposed	<p>Proposed changes to the Minority Business Development Authority regulations seek to eliminate those sections of the existing regulations which impede the Pennsylvania Minority Business Development Authority's ability to be flexible and responsive to its target market by easing loan program requirements, such as requiring loan recipients to commit to "full-time" management of the company, and allowing more flexibility in setting loan amount caps, interest rates, job creation criteria, etc.</p> <p>The regulations were originally submitted on November 5, 2014 as Final-Omitted Regulations. The Final-Omitted Regulations were withdrawn and will be submitted as Proposed Regulations.</p>	Timothy M. Anstine (717) 720-7312

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Industrial Housing and Components 12 Pa. Code Chapter 145 (#4-95)	Fall/Winter 2015, as Final-Form	<p>Proposed changes to the Industrial Housing and Components regulations have gone through the proposed regulatory process and final regulations are set to be submitted in the spring of 2015. The changes seek to bring the regulations into compliance with a recent amendment to the Industrialized Housing Act, which extended the current standards and procedures to include commercial buildings, and to further strengthen and clarify the Department's role in monitoring the production and installation of industrialized housing in the Commonwealth.</p> <p>As recommended by IRRC in its comments to the proposed rulemaking, an Advanced Notice of Final Rulemaking (ANFR) and Draft Final-Form Rulemaking were delivered to the <i>Pennsylvania Bulletin</i> for publication on June 27, 2015 to solicit comments on changes DCED recommends be made to the proposed rulemaking to make clear that the regulation applies to industrialized housing, buildings or housing or building components produced after the effective date of the regulation.</p>	Marc A. Conte (717) 720-7416
<i>Department of CONSERVATION AND NATURAL RESOURCES (DCNR)</i>			
State Forests 17 Pa. Code Chapter 21 (#7B-7)	July 2015, as Final-Form	A number of provisions in this chapter need to be clarified and updated. The State Forest Picnic Area chapter (23) will be incorporated into this chapter to eliminate duplication and for ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313, 1340.502).	Matt Beaver (717) 783-4647 Wendy Carson (717) 772-4171
State Forest Picnic Areas 17 Pa. Code Chapter 23 (#7B-7)	July 2015, as Final-Form	The provisions of this chapter will be incorporated into Chapter 21 (State Forests) for purposes of simplification and ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313, 1340.502).	Matt Beaver (717) 783-4647 Wendy Carson (717) 772-4171

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Conservation of Pennsylvania Native Wild Plants 17 Pa. Code Chapter 45	September 2015, as Proposed	Purpose of rulemaking is to update the department's listing of Pennsylvania's classified plant species. Legal basis: Section 7 of the Wild Resource Conservation Act (32 P. S. § 5307); and Sections 305 and 313 of the Conservation and Natural Resources Act (71 P. S. § 1340.305 and § 1340.313).	Ellen Shultzabarger (717) 214-3818 Wendy Carson (717) 772-4171
<i>Department of CORRECTIONS (DOC)</i>			
Reception and Discharge of Inmates 37 Pa. Code Chapter 91.3	September 2015, as Proposed	The county reception regulations are being revised to be consistent with statutory law mandating that certain documentation be presented by the counties before inmate reception can occur.	Randall Sears (717) 728-7761
Inmate Correspondence 37 Pa. Code Chapter 93.2	September 2015, as Proposed	The inmate correspondence regulations are being revised for clarification and to more accurately comport with current standards.	Randall Sears (717) 728-7761
Purchase for Inmates by Family and Friends 37 Pa. Code Chapter 93.4	September 2015, as Proposed	Purchase for inmates by family and friends regulations are being revised for clarification and more accurately comport with current standards.	Jaime Boyd (717) 728-7761
Motivational Boot Camps 37 Pa. Code §§ 93.301—93.308	September 2015, as Proposed	The Motivational Boot Camp regulations are being revised to conform the statutory references and to reduce costs by eliminating unnecessary mandates.	Jaime Boyd (717) 728-7761
<i>Department of DRUG AND ALCOHOL PROGRAMS (DDAP)</i>			
Drug and Alcohol Services 28 Pa. Code Chapter 157	Fall 2015, as Final-Omitted	This Chapter concerning drug and alcohol treatment provided by a hospital will be moved to Part V of 28 Pa. Code to consolidate all drug and alcohol regulations enforced by DDAP in one place within the Pa. Code. Act 50 of 2010 authorizes DDAP to modify existing drug and alcohol regulations.	Tawny Mumma (717) 787-9354
Governor's Council on Drug and Alcohol Abuse 4 Pa. Code Part XI (Chapters 251—265)	Fall 2015, as Final-Omitted	This Chapter concerning the Governor's Council on Drug and Alcohol Abuse will be moved to Part V of 28 Pa. Code to consolidate all drug and alcohol regulations enforced by DDAP in one place within the Pa. Code. Chapters strictly related to the Council will be repealed because the Council no longer exists.	Tawny Mumma (717) 787-9354

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Standards for Licensure of Treatment Facilities 28 Pa. Code Chapter 709	Winter 2015/2016, as Proposed	The regulations will be revised to extend the licensing inspection period for those programs that score very high on critical issues relating to patient safety, and to address programs that fail to correct violations including in particular those that persistently fail and/or refuse to respond to serious licensure violations.	Tawny Mummah (717) 787-9354
<i>Department of EDUCATION (PDE)</i>			
State Board of Private Licensed Schools 22 Pa. Code Chapter 73 (#6-334)	Fall 2015, as Proposed (resubmitting to address changes requested by IRRC)	These regulations define the requirements for obtaining licensure or registration and for operating as a Private Licensed School. The regulations also define the investigatory and hearing process for enforcement of statutory and regulatory requirements. The Board plans to update the regulations which were promulgated in 1988 to reflect inflation and to address certain issues that have arisen during that time. The regulations are promulgated under the authority of the Private Licensed Schools Act (24 P. S. Section 6501, et. seq.).	Patricia Landis (717) 783-8228
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 61 and 63	January 2016, as Proposed	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board is currently in the process of updating the regulations, which were promulgated in 1988. The regulations are promulgated under the authority of the Private Academic Schools Act (24 P. S. section 6701 et. seq.).	Robert Staver (717) 783-6583
State Board of Education 22 Pa. Code Chapter 18 (#6-329)	Fall 2015, as Final-Form	These regulations address criteria the Secretary of Education may consider in determining whether to designate a school district in financial recovery status and in determining whether a district is in moderate or severe recovery status. The regulations are promulgated under the authority of the Public School Code of 1949, as amended, PL 30, No. 14, March 16, 1949, P. S. Section 1-101 et. seq. (24 P. S. § 621-A(A)(2)(I)).	Karen Molchanow (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Education 22 Pa. Code Chapters 12, 14, 16 and 49 (#6-333)	Fall 2015, as Final-Omitted	This regulation includes minor technical amendments to five existing sections in four chapters. It is necessary to rectify inconsistencies between these five sections and recent changes by the Board to Chapter 4. The regulation is promulgated under the authority of the Public School Code of 1949 (24 P. S. §§ 1-121, 26-2603-B, 26-2604-B).	Karen Molchanow (717) 787-3787
Standards for Approved Private Schools 22 Pa. Code Chapter 171, Subchapters A and C	Fall 2015, as Proposed	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). This subchapter contains general provisions, which the Department seeks to update to conform to intervening changes in applicable law. The standards are promulgated under the authority of sections 1376(c.9) and 1376.1(f5) of the Public School Code of 1949 (24 P. S. 13-1376(c.8) and 1376.1(f5)).	Ernie Helling (717) 787-5500
Regulations of the State Library and Advisory Council on Library Development 22 Pa. Code Chapters 131, 133, 135, 127, 141, 142 and 143	Spring 2016, as Proposed	The Department will be promulgating regulations under the authority of the Library Code of 2012, Act 210 of 2012, P. N. 2411. The Department plans to update the regulations (promulgated in 1962) in 2015. These regulations will address the use of the State Library, the Advisory Council on Library Development, general provisions and plans for the use of State Aid, certification of library personnel, grants for public library facilities and state document depositories.	Brian Dawson (717) 783-2466
School Immunization Requirements 28 Pa. Code §§ 23.83, 23.85, and 23.86	Fall 2015, as Proposed	The Department foresees working with the Department of Health on proposed regulatory changes relating to school immunization requirements, and specifically amending existing regulations to eliminate the provisional period for school entry/attendance. Pursuant to the Disease Prevention and Control Law of 1955 35 P. S. § 521.1 et seq.; the Administrative Code of 1921 (71 P. S. § 541(c.1)) and the Public School Code of 1949 (24 P. S. § 13-1303a).	Ernie Helling (717) 787-5500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Statement of Policy setting for the bylaws of the Professional Standards and Practices Commission 22 Pa. Code Chapter 233 (#6-335)	Summer 2015 (will become effective upon publication in <i>Pa. Bulletin</i>)	This statement of policy sets forth the Commission's operating bylaws. The changes reflect recent amendments to the Educator Discipline Act and clarify the process and procedures for adjudication of educator misconduct complaints, including the factors to be considered in crafting disciplinary actions and the necessity of Commission approval of all settlement agreements.	Shane Crosby (717) 787-6576
ENVIRONMENTAL HEARING BOARD (EHB)			
Practice and Procedure 25 Pa. Code Chapter 1021	Fall 2015, as Proposed	The Environmental Hearing Board has proposed the following revisions to its rules of practice and procedure: (1) amend sec. 1021.21 to correct an omission in the prior rule and recognize that an appeal can be instituted by the filing of a notice of appeal or a complaint depending on the statute at issue; (2) add a comment to sec. 1021.21 to notify out of state attorneys that they are not subject to the IOLTA fee when they appear pro hac vice in a Board proceeding; (3) clarify rules in sec. 1021.32 pertaining to electronic filing registration to conform to the registration form that is provided on the Board's electronic filing site; (4) clarify language in sec. 1021.33 pertaining to service by the Board; (5) amend sec. 1021.34 to explain that the Board will only serve copies of orders by mail to parties who have been excused from electronic filing; (6) clarify language in sec. 1021.39 to clarify when the date and time of filing will appear by the electronic filing provider; (7) amend 1021.51 to explain what appellant must attach with its notice of appeal; (8) correct a typographical error in sec. 1021.52(b); (9) amend the title of sec 1021.103 to include notices to attend and notices to produce; (10) amend comment to sec 1021.141 to clarify that the Board makes the determination of a dismissal with or without prejudice on a case-by-case basis; (11) add sec 1021.153 to	Maryanne Wesdock (412) 565-5245 John Dixon (717) 329-7859

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		explain the procedure for filing an application for interlocutory appeal; and (12) amend sec. 1021.21 to correspond to appellate rules on filing petitions for review with the Commonwealth Court.	
<i>Department of ENVIRONMENTAL PROTECTION (DEP)</i>			
Land Reclamation Financial Guarantees and Bioenergy Crop Bonding 25 Pa. Code Chapter 86 (#7-489)	Approved by EQB* Quarter 2, 2015, as Final-Form (*Environmental Quality Board)	This final rulemaking implements Acts 95 and 157 which provide for an incentive for reclamation of mine sites with bioenergy crops and establish the Land Reclamation Financial Guarantee Program, respectively. (Acts 95 and 157 of 2012)	Bill Allen (717) 783-9580 wallen@pa.gov
Remining Requirements (Subchapters F and G Revisions) 25 Pa. Code Chapters 86 and 88 (#7-496)	Quarter 1, 2016, as Final-Form	This rulemaking includes amendments to remining requirements in order to reflect changes enacted in EPA regulations. The rulemaking incorporates into the Pennsylvania regulations two statistical methods provided in the federal regulations, eliminating the need to implement methods via individual permits, and providing flexibility regarding the choice of statistical method based on site-specific factors. The rulemaking further provides for remining at sites in which it is infeasible to establish pollution baselines. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov
Federal Office of Surface Mining (OSM) Program Consistency Updates 25 Pa. Code Chapters 86, 89 and 90	Quarter 2, 2016, as Proposed	This proposed rulemaking will include amendments to Chapter 86 in order to comply with federal regulatory requirements, revisions to Chapter 89 effluent limits for passive treatment systems to comply with federal regulations, and updates to Chapter 90 coal refuse site selection regulations to comply with the revised Coal Refuse Disposal Control Act. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Handling and Use of Explosives 25 Pa. Code Chapters 210 and 211	Quarter 3, 2015, as Proposed	This proposed rulemaking will revise current explosives regulations to address blasting activities relating to seismic exploration. The rulemaking will also update explosives use requirements, enforcement authority and eliminate outdated requirements. (Explosives Act of 1937; Surface Mining Conservation and Reclamation Act; and Noncoal Surface Mining Conservation and Reclamation Act)	Rick Lamkie (814) 472-1885 rlamkie@pa.gov
Areas Unsuitable for Surface Mining 25 Pa. Code Chapter 86	Quarter 1, 2016, as Proposed	This proposed rulemaking includes amendments to Chapter 86 to designate coal seams within Big Run watershed, Graham Township, Clearfield County, as unsuitable for surface mining operations. The regulation results from a petition submitted to the EQB by the Graham Township Supervisors, which requested that the Big Run drainage be designated as unsuitable for surface mining operations. (Surface Mining Conservation and Reclamation Act)	Geoff Lincoln (717) 783-9582 glincoln@pa.gov
Noncoal Program Fee Amendments 25 Pa. Code Chapter 77	Quarter 4, 2015, as Proposed	This proposed rulemaking will increase fees in order to provide the funding for the Noncoal Mining Program, which implements the Noncoal Surface Mining and Conservation and Reclamation Act (NSMCRA). The rulemaking will provide more revenue in order to implement the NSMCRA, which requires operators to apply for and maintain active permits and licenses to mine noncoal minerals in Pennsylvania. In administering the noncoal mining program, DEP reviews and issues permits and conducts inspections to assure compliance with the permits and performance standards. The increased fee schedule includes increases in both the annual fee and permit fees to reflect the higher wage costs and actual benefit rate. The fees are in alignment with the statutory authorization of DEP to collect a reasonable filing fee. (Noncoal Surface Mining and Conservation and Reclamation Act, Clean Streams Law)	Bill Allen (717) 783-9580 wallen@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Coal Mining Fee Amendments 25 Pa. Code Chapter 86	Quarter 4, 2015, as Proposed	This proposed rulemaking will increase coal mining fees. Existing fees cover a small part of the costs of implementing the coal mining program. The coal mining program is paid, in part, by a grant from the Federal Office of Surface Mining. The proposed rulemaking is intended to cover a larger portion of the remaining costs. Proposed fee amounts will be updated to account for current costs for benefits, overhead, and support. Fees are also being recommended for additional applications previously omitted from the existing fee schedule in addition to a proposed annual administration fees to cover the cost of administering permits. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov
Underground Coal Mine Safety Standards for Surface Facilities 25 Pa. Code Chapter 208 (#7-488)	Approved by BCMS* Quarter 2, 2015, as Final-Form (*Board of Coal Mine Safety)	This rulemaking adopts by reference, with certain modifications, the MSHA regulations (30 CFR Part 77) for surface areas of underground bituminous coal mines. (Bituminous Coal Mine Safety Act)	Colvin "Craig" Carson (724) 404-3154 cocarson@pa.gov
Underground Coal Mine Safety Performance-Based Cable Safety Requirements 25 Pa. Code Chapter 208	Quarter 1, 2016, as Proposed	This proposed rulemaking includes revisions to Chapter 208 in order to enhance the safety of electrical cables in underground mines through the use of metallic shielding or nonmetallic shielding and more sensitive ground fault protection. The regulation will also enhance the safety of underground direct-current machine cables by utilizing ground wire monitors on direct-current equipment. (Bituminous Coal Mine Safety Act)	Colvin "Craig" Carson (724) 404-3154 cocarson@pa.gov
Well Drilling, Operation, and Plugging 25 Pa. Code Chapter 78, Subchapter D	Quarter 2, 2016, as Proposed	This proposed rulemaking includes revisions to Chapter 78 (Oil and Gas Wells) Subchapter D, regulating the drilling, casing, cementing, completion, operation, production, plugging and other subsurface activities associated with Oil and Gas exploration and development, including revisions to well plugging procedures, venting, alternative methods, and to address the plugging of unconventional wellbore laterals and coal bed methane wells. (Oil and Gas Act)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Environmental Protection Performance Standards at Oil and Gas Well Sites 25 Pa. Code Chapters 78 and 78a, Subchapter C (#7-484)	Quarter 1, 2016, as Final-Form	This final rulemaking includes amendments to the Oil and Gas regulations including separate chapters to differentiate the requirements for conventional (Chapter 78) and unconventional (Chapter 78a) operators and to update the environmental protection performance standards related to oil and gas activities. (2012 Oil & Gas Act, Clean Streams Law, Solid Waste Management Act, Dam Safety Encroachment Act, Land Recycling & Environmental Remediation Standards Act)	Kurt Klapkowski (717) 772-2199 kklapkowsk@pa.gov
Revised Total Coliform Rule 25 Pa. Code Chapter 109	Quarter 3, 2016, as Final-Form	This rulemaking will amend Chapter 109 to incorporate necessary federal requirements needed to obtain primary enforcement authority (primacy) for the Revised Total Coliform Rule (RTCR). (Pennsylvania Safe Drinking Water Act)	Jeff Allgyer (717) 772-4015 jallgyer@pa.gov
Disinfectant Residual Requirements Rule 25 Pa. Code Chapter 109	Quarter 4, 2015, as Proposed	This proposed rulemaking will amend Chapter 109 to revise the minimum disinfectant residual level maintained in public water distribution systems and the related reporting standards. This rulemaking will also clarify other existing provisions to obtain primacy for the federal Long Term 2 Enhanced Surface Water Treatment Rule and the Stage 2 Disinfection Byproducts Rule. (Pennsylvania Safe Drinking Water Act)	Lisa Daniels (717) 772-4018 ldaniels@pa.gov Dawn Hissner (717) 772-2189 dhissner@pa.gov
Safe Drinking Water General Update 25 Pa. Code Chapter 109	Quarter 4, 2016, as Proposed	This proposal will amend Chapter 109 to strengthen turbidity standards for surface water filtration plants, update and clarify permitting requirements for new sources, and clarify source water protection requirements and other sections of Chapter 109. (Pennsylvania Safe Drinking Water Act)	Dawn Hissner (717) 772-2189 dhissner@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Nutrient Credit Trading and Offsetting Program 25 Pa. Code Chapters 96.8 and 98	Quarter 1, 2016, as Proposed	This rulemaking will rescind Chapter 96.8 related to the implementation of a nutrient credit trading program and create a new, separate Chapter 98 for this program. The rulemaking is also intended to implement program enhancements designed to address United States Environmental Protection Agency (EPA) concerns, streamline the current process for the certification, registration and verification of credits and allow for the implementation of a statewide trading program. (Clean Streams Law)	Veronica Kasi (717) 772-4053 vbkasi@pa.gov
Administration of Sewage Facilities Planning and Permitting Programs and Standards for Onlot Sewage Treatment Facilities 25 Pa. Code Chapters 71, 72 and 73	Quarter 2, 2016, as Proposed	This proposed rulemaking is targeted to allow the use of alternate systems at the planning stage for new land development. (Pennsylvania Sewage Facilities Act Clean Streams Law)	Ron Furlan (717) 787-8184 rfurlan@pa.gov
Triennial Review of Water Quality Standards and Updates to Toxics Management Strategy—Statement of Policy 25 Pa. Code Chapters 93 and 16	Quarter 4, 2015, as Proposed	This proposed rulemaking will include revisions to the Commonwealth's water quality criteria and standards in Chapter 93 and updates to Chapter 16 Statement of Policy to reflect the latest scientific information and federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act. (40 CFR Section 131.20)	Tom Barron (717) 787-9637 tbarron@pa.gov
Environmental Laboratory Accreditation Fee Amendments 25 Pa. Code Chapter 252	Quarter 1, 2016, as Proposed	This rulemaking proposes to establish appropriate standards for laboratories performing DEP compliance testing of environmental samples. The rulemaking outlines the minimum requirements to which laboratories must adhere when producing environmental data. The anticipated changes to the Chapter 252 regulation will include changes to the qualifications for laboratory supervisors, clarifications to recordkeeping requirements, and changes to the application fees and out-of-State travel expense reimbursement rate. The Environmental Laboratory Accreditation Act requires that the accreditation fees cover the cost of the operation of the laboratory accreditation program. (Environmental Laboratory Accreditation Act)	Aaren Alger (717) 346-8212 aaalger@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of Land Recycling Program 25 Pa. Code Chapter 250 (#7-486)	Quarter 4, 2015, as Final-Form	The final rulemaking amends 25 Pa. Code Chapter 250 to update the Medium-Specific Concentrations (MSCs) established under the Statewide health standard based on the most recent published scientific information. MSCs are concentrations of contaminants in soil and groundwater that are protective of human health and the environment under various exposure scenarios. The regulations identify the formulas DEP must use to calculate MSCs and the sources of the toxicological information. (Land Recycling and Environmental Remediation Standards Act)	Troy Conrad (717) 783-9480 tconrad@pa.gov
Security Rule for Radioactive Material 25 Pa. Code Chapter 215 (#7-493)	Quarter 3, 2015, as Final-Form	This rulemaking incorporates by reference selected regulations from Title 10, Chapter I, of the U.S. Nuclear Regulatory Commission (NRC) Code of Federal Regulations (CFR) relating to radiation protection and control of radioactive materials. Recently NRC implemented new security-related regulations, known as 10 CFR Part 37, which Pennsylvania is required to adopt by March, 2016. The purpose of this amendment is to reference the new Part 37, except for those subsections which only apply to the NRC. (Radiation Protection Act)	Joseph Melnic (717) 783-9730 jmelnic@pa.gov
Radiation Protection Program Fees 25 Pa. Code Chapters 218 and 240	Quarter 3, 2015, as Proposed	This proposed rulemaking will amend Chapters 218 and 240 relating to fees. DEP must review the adequacy of established fees every three years. The current fee review indicates the need for a fee increase in two program areas. The Radioactive Materials and Decommissioning Program and the Radon Program fee revenue for these program areas is insufficient to cover program costs. (Radiation Protection Act and Radon Certification Act)	Joseph Melnic (717) 783-9730 jmelnic@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiological Health 25 Pa. Code Chapters 215—240	Quarter 4, 2015, as Proposed	This proposed rulemaking will amend Chapters 215—240 to update Computed Tomography and Fluoroscopic regulations; to address new X-ray technology that is not addressed in current regulations; and to include comprehensive updates to the radon regulations to incorporate procedures and protocols that are not addressed in the current regulations. Additional items of clarification are 45-day reporting and application requirements, specifying the number of mitigation firm employees, and numerous changes and additions to the definitions section. (Radiation Protection Act and Radon Certification Act)	Joseph Melnic (717) 783-9730 jmelnic@pa.gov
Control of VOC Emissions from Fiberglass Boat Manufacturing Materials 25 Pa. Code Chapter 129 (#7-487)	Approved by EQB Quarter 2, 2015, as Final-Form	The final rulemaking amends Chapter 129 to reduce the emissions of volatile organic compounds from fiberglass boat manufacturing materials including open molding resins, gel coats and cleaning materials to meet the Clean Air Act “reasonably available control measures,” including “reasonably available control technology,” requirements for ozone nonattainment areas. The emission limits and work practice standards would be consistent with the recommendations of the EPA included in the Control Techniques Guideline document for this source category. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Additional RACT Requirements for Major Sources of NO _x and VOCs 25 Pa. Code Chapter 129 (#7-485)	Quarter 3/Quarter 4, 2015, as Final-Form	This rulemaking amends Chapter 129 to establish additional reasonably available control technology (RACT) requirements for major stationary sources of nitrogen oxides and volatile organic compound (VOC) emissions to fulfill 8-hour ozone RACT requirements for all major sources not covered by Federal Control Techniques Guidelines recommendations. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Control of VOC Emissions from Miscellaneous Metal and Plastic Parts Coatings 25 Pa. Code Chapter 129 (#7-491)	Quarter 1, 2016, as Final-Form	This rulemaking amends the existing surface coating regulations under Chapter 129 to further reduce the emissions of volatile organic compounds from miscellaneous metal and plastic parts coatings to meet the Clean Air Act "reasonably available control measures," including RACT requirements for ozone nonattainment areas. The emission limits and work practice standards would be consistent with the recommendations of the EPA included in the corresponding Control Techniques Guideline document for this source category. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coatings 25 Pa. Code Chapter 129	Quarter 1, 2016, as Final-Form	This rulemaking amends the existing surface coating regulations under Chapter 129 to further reduce the emissions of volatile organic compounds from automobile and light-duty truck assembly coatings to meet the Clean Air Act “reasonably available control measures,” including RACT requirements for ozone nonattainment areas. The emission limits and work practice standards would be consistent with the recommendations of the EPA included in the corresponding Control Techniques Guideline document for this source category. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Control of VOC Emissions from Industrial Cleaning Solvents 25 Pa. Code Chapter 129	Quarter 1, 2016, as Proposed	The proposed rulemaking will amend the existing surface coating regulations under Chapter 129 to reduce the emissions of volatile organic compounds from industrial cleaning solvents not regulated elsewhere in 25 Pa. Code, Article III to meet the Clean Air Act “reasonably available control measures,” including RACT requirements for ozone nonattainment areas. The emission limits and work practice standards would be consistent with the recommendations of the EPA included in the corresponding Control Techniques Guideline document for this source category. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Amendments to Mobile Equipment Repair and Refinishing 25 Pa. Code Chapters 121 and 129	Quarter 1, 2016, as Proposed	This proposed rulemaking will amend the existing surface coating regulations in 25 Pa. Code § 129.75 to coordinate emission limits and work practice requirements of the Clean Air Act “reasonably available control technology” requirements for automobiles and light-duty trucks and the Ozone Transport Commission model rule requirements for motor vehicle and mobile equipment non-assembly line coating operations. Clarifying amendments would be proposed for the adhesives, sealants, primers and solvents regulations in 25 Pa. Code §§ 129.77 and 130.701—130.708. Amendments to 25 Pa. Code § 121.1 would also be proposed to support the amendments to Chapter 129. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Control of VOCs from Gasoline Dispensing Facilities (Stage II) 25 Pa. Code § 129.82	Quarter 1, 2016, as Proposed	The proposed rulemaking will amend 25 Pa. Code § 129.82 (relating to control of VOCs from gasoline dispensing facilities (Stage II)) to remove the requirements for installing new and operating existing Stage II vapor recovery systems. The proposed rulemaking would establish procedures for the decommissioning of existing Stage II systems and would require Stage II systems that are not decommissioned to still comply with existing regulatory maintenance requirements. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Air Quality Fee Schedule Amendments 25 Pa. Code Chapters 127 and 139	Quarter 4, 2015, as Proposed	The proposed rulemaking will revise existing requirements and fee schedules codified in 25 Pa. Code Chapter 127, Subchapter I (relating to plan approval and operating permit fees) to ensure that fees collected are sufficient to cover the costs of administering the air program as required under Section 6.3(a) of the Air Pollution Control (35 P. S. § 4006.3 (a)). In addition to increasing the plan approval and operating permit application fees, the proposed rulemaking would add fees applicable to plan approval modifications and requests for determination of plan approval and operating permit requirements. The proposed rulemaking would also add separate fees for risk assessments and a new fee structure for Title V facilities. The proposed rulemaking would also establish fee requirements in a new Subchapter D (relating to testing, auditing and monitoring fees) in Chapter 139 (relating to sampling and testing) to address Department-performed source testing, test report reviews and auditing and monitoring activities related to continuous emissions monitoring systems (CEMS). Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan or the Title V Program Approval, as appropriate. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Low RVP Gasoline Repeal 25 Pa. Code Chapters 121, 126 and 139	Quarter 1, 2016, as Proposed	The proposed rulemaking will rescind certain provisions codified in 25 Pa. Code Chapters 121, 126 and 139 (relating to general provisions; motor vehicle and fuels programs; and sampling and testing). The proposed rulemaking would repeal §§ 126.301—126.303 and 139.14(b)(8) (relating to gasoline volatility requirements; and emissions of VOCs). Sections 126.301—126.303 impose requirements for summer low Reid Vapor Pressure (RVP) gasoline in the Pittsburgh-Beaver Valley Area (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland counties) from	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		May 1 to September 15 as an emission reduction measure to address attainment and maintenance of the 1-hour ozone National Ambient Air Quality Standard (NAAQS). Section 139.14(b)(8) specifies the sampling and testing methods for analysis of low RVP gasoline. Amendments to § 121.1 (relating to definitions) would also be proposed, as appropriate, to support the rescission of §§ 126.301—126.303 and 139.14(b)(8). The proposed rulemaking is in response to Act 50 of 2014 (P. L. 674, May 14, 2014), which directs the EQB to promulgate regulations to repeal the requirements for low RVP gasoline upon demonstration of continued compliance with the NAAQS through the use of commensurate emission reductions from other air pollution control measures. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
<i>Department of GENERAL SERVICES (DGS)</i>			
Responsibility 4 Pa. Code Chapter 60 (#8-20)	2015, as Proposed	This chapter will be amended to be consistent with the Procurement Code and to provide for uniform debarment and suspension procedures.	Ken Hess Pamela Cross (717) 214-7739
Committee on Construction Contract Documents 4 Pa. Code Chapter 62 (#8-21)	2015, as Final-Omitted	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717)-783-3280
Selections Committee 4 Pa. Code Chapter 64 (#8-22)	2015, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717)-783-3280
Emergency Construction Repairs 4 Pa. Code Chapter 67 (#8-23)	2015, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717)-783-3280
Contract Compliance 4 Pa. Code Chapter 68, Subchapter A Prequalification of Vendors and Non-construction Contractors (#8-24)	2015, as Final-Omitted	These regulations should be rescinded since the subject matter of these rules is now covered by the directives management system.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717)-783-3280

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Methods of Awarding Contracts 4 Pa. Code Chapter 69 (#8-25)	2015, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Ken Hess Pamela Cross (717) 214-7739
Surplus State Property 4 Pa. Code Chapters 41, 43, 45 and 47 (#8-26)	2015, as Final-Omitted	These regulations should be rescinded since they are outdated and have been superseded by new Commonwealth procedures as well as the Commonwealth Procurement Code.	Ken Hess Pamela Cross (717) 214-7739
<i>Department of HEALTH (DOH)</i>			
Communicable and Non-Communicable Diseases 28 Pa. Code Chapter 27 (#10-189)	Fall 2015, as Proposed	These existing regulations are being revised to improve the Department's ability to prevent and control the spread of communicable and non-communicable diseases. The Department's authority to promulgate these regulations is found in the Disease Prevention Control law of 1955, 35 P. S. §§ 521.1 et seq. (the Act). Section 16(a) of the (Act 35 P. S. § 521.16(a)) gives the Board authority to issue rules and regulations on a variety of matters related to communicable and non-communicable diseases. Section 16(b) of the Act (35 P. S. § 521.16(b)) gives the Secretary of Health the authority to review existing regulations and make recommendations to the Board for changes that the Secretary considers to be desirable. There is also a legislative authority for specific provisions of the regulations. Administrative Code of 1929 (71 P. S. §§ 51 et seq.) (Code) Section 20102(g) of the Code (71 P. S. § 532(g)) provides general authority for the Department to promulgate regulations.	Jalene Kolb (717) 783-8228
Photo Identification Tag Regulations 28 Pa. Code Chapter 54 (#10-194)	Fall 2015, as Proposed	The Health Care Facilities Act (35 P. S. § 448.101 et seq.) was amended by the passage of Act 2010-110 on November 23, 2010. This new section of the Act (35 P. S. § 448.809.2) requires health care workers employed in health care facilities and physician practices to wear photo identification tags that also contain other information including the person's name, title and name of the health care facility.	Michael Siget (717) 783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Program Standards for Long-Term Care Facilities (relating to physician assistants and certified registered nurse practitioners) 28 Pa. Code § 211.7	Summer 2015, as Final-Form	The Department had received approval in 2014 to omit proposed rulemaking and to promulgate as final a revision to § 211.7, but was advised by the Office of General Counsel to delay delivery of the regulation as amended to the Standing Committees of the House and Senate during the Fall 2014 Legislative Session in anticipation of adjournment of the Legislature sine die. The revision to the regulation will eliminate the requirement for countersignature by the supervising attorney on physician assistants' documentation on the nursing facility resident's record within 7 days. The revised regulation will require countersignature by the supervising attorney in accordance with requirements in statutes and regulations governing their practice. Acts 100 and 101 of 2013, respectively, amended the Medical Practice Act and the Osteopathic Medical Practice Act to add provisions addressing patient record reviews for patient records completed by a physician assistant. Both acts require countersignatures by a physician only in limited circumstances.	Karin Simpson (717) 783-2500
School Immunization Requirements 28 Pa. Code §§ 23.83, 23.85 and 23.86	Fall 2015, as Proposed	The amendments to existing regulations will revise immunization requirements for school entry and attendance, revise the school reporting requirements to require electronic reporting at a later date in the school year, and eliminate the provisional period for school attendance. The Department foresees working with the Department of Education on this proposed regulatory change. Pursuant to the Disease Prevention and Control Law of 1955 35 P. S. § 521.1 et seq.; the Administrative Code of 1921 (71 P. S. § 541(c.1)) and the Public School Code of 1949 (24 P. S. § 13-1303a).	Yvette M. Kostelac (717) 783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Home Health Care Agencies 28 Pa. Code Chapter 601	Fall 2015, as Proposed	Recently, Federal rules addressing covered Medicare and Medicaid services have been amended to allow other health care professionals (in addition to physicians) to order home health services. The Department anticipates amending the home health licensure regulations to permit other health care professionals to order home health services and approve the plan of care. The Department also foresees working with the Department of Human Services on this proposed regulatory change to ensure that access to care and payment for services remains consistent.	Puja Khare (717) 783-2500
Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act Act 191 of 2014	Spring 2016, as Proposed	The Department anticipates promulgating regulations in accordance with the authority granted under Act 191, as early in 2016 as possible, that will enhance and support the Department's ability to implement a prescription drug monitoring program that will (1) improve the quality of patient care in Pennsylvania by providing prescribers and dispensers access to information about all controlled substances dispensed to a patient, and (2) aid regulatory and law enforcement in the detection and prevention of fraud, drug abuse and criminal diversion of controlled drugs.	Maria Chesterton (717) 783-2500
Cardiac Catheterization Services 28 Pa. Code Chapter 138	2016, as Proposed	The Department anticipates promulgating regulations to amend Chapter 138 by allowing cardiac catheterization services under certain circumstances to be performed in a facility other than a hospital in order to enhance and support the Department's innovative approach to expanding health care services while maintaining and improving the quality of patient care in Pennsylvania.	Michael Siget (717) 783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Pennsylvania Hospice Regulations	Fall 2015, as Proposed	Currently, there are no hospice-specific licensure regulations in the Commonwealth. The Health Care Facilities Act (HCFA) permits the Department, pending promulgation of regulations, to use the standards set forth in federal regulations (42 CFR Part 418) for hospices certified as providers of the Medicare program under Title XVIII of the Social Security Act as licensure standards. The Department anticipates promulgating licensure regulations for hospice facilities in Pennsylvania that mirror the Federal conditions of participation and address additional quality assurance requirements and fees for licensure, as permitted by the HCFA.	Puja Khare (717) 783-2500
<i>Department of HUMAN SERVICES (DHS)</i>			
Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130	January 2016, as Proposed	This regulation will incorporate the amendments to the Juvenile Act and the federal regulations for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services.	Jen DeBell (717) 772-4141
Planning and Financial Reimbursement requirements for County Children and Youth Social Service Programs 55 Pa. Code Chapter 3140	June 2016, as Proposed	This regulation provides the requirements for reimbursement for services to county children and youth agencies. The regulations are in need of revision to ensure consistency with federal requirements and policy to ensure the validity of state and federal claims.	Jen DeBell (717) 772-4141
Child Protective Services 55 Pa. Code Chapter 3490	February 2017, as Proposed	This regulation will incorporate the amendments to the Child Protective Services Law related to child protective services and general protective services, including statutory changes to mandatory reporting, training, clearances and the Statewide database.	Jen DeBell (717) 772-4141
Outpatient Psychiatric Services and Psychiatric Outpatient Clinics 55 Pa. Code Chapters 1153 and 5200	September 2015, as Proposed	These amendments will update the current regulations to align outpatient psychiatric services with current industry standards.	Jen DeBell (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Subsidized Child Care 55 Pa. Code Chapter 3041	October 2016, as Proposed	Chapter 3041 will be updated to support new requirements imposed by the 2014 Federal Reauthorization of the Child Care Development Block Grant. This regulation will include amendments to requirements regarding redetermination, continuation of subsidy during job loss, reporting and verification, financial eligibility, and prioritized groups.	Jen DeBell (717) 772-4141
Child Day Care Centers, Group Child Care Day Care Homes, Family Child Day Care Homes 55 Pa. Code Chapters 3270, 3280 and 3290	October 2016, as Proposed	This regulation will add new requirements imposed by the 2014 Federal Reauthorization of the Child Care Development Block Grant. This regulation will include amendments regarding employment, background checks and training requirements. In addition, additional proposed amendments include water safety training and equipment requirements.	Jen DeBell (717) 772-4141
Early Intervention Services 55 Pa. Code Chapter 4226	October 2015, as Final-Omitted	This regulation will amend Section 4226.5 (relating to definitions) to reflect the requirements of Act 2014-143 (Act 143). Act 143 added an additional tracking category for infants and toddlers experiencing homelessness.	Jen DeBell (717) 772-4141
Home and Community-Based Intellectual Disability and Autism Waiver Services and Targeted Case Management 55 Pa. Code Chapters 51 and 6100	October 2015, as Proposed August 2016, as Final-Form	This regulation will rescind Chapter 51 and replace it with a new Chapter 6100, which will regulate the program, operational and fiscal components of the home and community-based waiver program within the Office of Developmental Programs, including the targeted service management program.	Jen DeBell (717) 772-4141
Terminology for Intellectual Disabilities and Autism 55 Pa. Code Chapters 4300, 4305, 6201, 6210, 6250, 6400, 6600	December 2015, as Final-Omitted	This regulation will update terminology in Title 55 to change the term “mentally retarded” to “intellectual disability”; the inclusion of autism services will also be addressed.	Jen DeBell (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Adult Protective Services 55 Pa. Code Chapter 15	Fall 2015, as Proposed	This regulation will govern the investigation of allegations of abuse, neglect, exploitation or abandonment of adults between the ages of 18 and 59 years, and the provision of protective services as indicated by the results of those investigations. The regulations and resulting services are mandated by Act 70 of 2010, the Adult Protective Services Act.	Jen DeBell (717) 772-4141
Medical Assistance Program Payment Policies 55 Pa. Code Chapter 1150	Fall 2016, as Proposed	This regulation proposes to remove outdated consultation procedure codes and update the description of the five different types of consultations.	Jen DeBell (717) 772-4141
Medical Assistance Manual 55 Pa. Code Chapters 1101, 1121, 1123, 1126, 1127, 1128, 1129, 1130, 1140, 1141, 1142, 1143, 1144, 1145, 1147, 1149, 1151, 1153, 1163, 1181, 1187, 1221, 1223, 1225, 1229, 1230, 1241, 1243, 1245, 1247, 1249, 1251	Fall 2016, as Proposed	This regulation will codify the benefit package under HealthChoices Expansion, which provides the same level of benefits to all Medical Assistance adult beneficiaries. The regulation will amend amount, duration and scope variations between categories of eligibility and will also update terminology.	Jen DeBell (717) 772-4141
Clinic, Emergency Room, and Observation Services 55 Pa. Code Chapter 1221	February 2016, as Proposed	This rulemaking proposes to add observation services under Chapter 1221. Chapter 1221 provides payment for services provided in a hospital outpatient setting.	Jen DeBell (717) 772-4141
<i>Pennsylvania INSURANCE DEPARTMENT (PID)</i>			
Annual Financial Reporting Requirements 31 Pa. Code Chapter 147	Fall 2015, as Proposed	Amendments to Chapter 147 to add an internal audit function requirement for large insurers.	Joseph Korman (717) 787-4429
Requirements for Qualified Reinsurers 31 Pa. Code Chapter 161 (#11-253)	Summer 2015, as Proposed	Technical amendments to delete a provision that is no longer applicable.	Joseph Korman (717) 787-4429
Medical Catastrophe Loss Fund 31 Pa. Code Chapter 242	Winter 2015, as Proposed	Revisions to Chapter 242 to reflect statutory changes and update forms and procedures.	Joseph Korman (717) 787-4429
Tables Approved for Use in Determining Minimum Non-forfeiture Standards and Minimum Standards for Valuation 31 Pa. Code Chapter 84	Fall 2015, as Proposed	Amendments to adopt new mortality tables for use in determining minimum reserves insurers must maintain for annuities.	Joseph Korman, (717) 787-4429
<i>Department of LABOR AND INDUSTRY (L&I)</i>			
Boiler and Unfired Pressure Vessel Regulations 34 Pa. Code, Part I, Chapter 3a	Fall 2015, as Proposed	Update regulations based on Act 104 of 2013 and adopt certification standards for third party inspection agencies.	Peter Von Getzie (717) 787-2705

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Flammable and Combustible Liquids 34 Pa. Code, Part I, Chapters 14 and 14a Bureau of Occupational and Industrial Safety	Fall 2015, as Proposed	Update regulations based on Act 144 of 2012 and adopt requirements for storage and dispensing of compressed natural gas as vehicular fuel.	Peter Von Getzie (717) 787-2705
Uniform Construction Code-Administration 34 Pa. Code, Part XIV, Chapter 403	Fall 2015, as Proposed	Adopt updated accessibility provisions in accordance with Act 1 of 2011.	Karen Galli (717) 783-6304 Peter Von Getzie (717) 787-2705
Unemployment Compensation-General Requirements 34 Pa. Code, Part VI, Chapter 101 Unemployment Compensation Board of Review	Fall 2015, as Proposed	Amend telephone regulation regarding distance requirement to conform with Act 6 of 2011.	Gerard Mackarevich (717) 783-1232
Apprentices 34 Pa. Code, Part IV, Chapters 83 and 84 Bureau of Labor Law Compliance	Spring 2017, as Proposed (legislative changes to statute must first be made before regulations can be promulgated)	Once necessary statutory changes are made to Pennsylvania law to comply with 2008 U.S. Department of Labor Federal apprenticeship requirements, corresponding regulatory changes will need to be to Part IV of Title 34.	Rich Lengler (717) 787-4186
Registration of Sign Language Interpreters and Translators 34 Pa. Code Chapter 501 Office of Deaf and Hard of Hearing	Fall 2016, as Proposed	Amend regulations to be consistent with amendments in Sign Language Interpreter and Transliterator State Registration Act, 63 P. S. §§ 1725.1—1725.11, that were enacted in November 2010.	Sharon Behun (717) 783-4912
Employment of Minors 34 Pa. Code Chapter 11 Bureau of Labor Law Compliance	Fall 2015, as Proposed	Revise/update current regulations in light of the new Child Labor Act.	Richard Lengler (717) 787-4186
<i>Department of MILITARY AND VETERANS AFFAIRS (DMVA)</i>			
Veterans' Homes Regulations 43 Pa. Code Chapter 7	July 2015, as Proposed	The Department wishes to promulgate a comprehensive update to its regulations on State Veterans' Homes. The statutory authority for these regulations is section 902(10) of the Military and Veterans Code (51 Pa.C.S. § 903(10)). These regulations are out-of-date. They were last updated in 1986. The purpose of the changes to these regulations is to bring them in line with best practices in the long-term care arena.	Marsha Davis (717) 861-8503

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Veterans' Affairs Regulations 43 Pa. Code Chapter 5	July 2015, as Final-Omitted	43 Pa. Code Ch. 5 contains regulations on a number of Commonwealth veterans' benefit programs. These include the Disabled Veteran Real Estate Tax Exemption, the Blind Veterans' Pension, the Paralyzed Veterans; Pension, Veterans' Emergency Assistance and the Educational Gratuity Program. All of these regulations need to be updated to take into account changes in the law as well as changes in organizational structures.	Marsha Davis (717) 861-8503
<i>MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION (MPOETC)</i>			
Administration of the Municipal Police Officers' Education and Training Program 37 Pa. Code Chapter 203	Summer 2015, as Proposed	Title 53 Pa.C.S. § 2164(14) conveys powers and duties to the Municipal Police Officers' Education and Training Commission to make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers. Omnibus revisions to Chapter 203, which pertains to the certification and training of the Commonwealth's municipal police officers, are necessary to modernize these regulations, as they have not undergone a major revision since 1996. The proposed amendments will be the product of an extensive review project that included key stakeholders of the regulated community.	Lieutenant Robert J. Krol (717) 783-5566
<i>Pennsylvania BOARD OF PROBATION AND PAROLE (PBPP)</i>			
Address Confidentiality Program Regulations 37 Pa. Code §§ 802.1—802.31	Winter 2015-16, as Proposed.	The Office of Victim Advocate ("OVA") is responsible for the Commonwealth's Address Confidentiality Program ("ACP"), 23 Pa.C.S. sec. 6702. et seq., which provides certain crime victims (domestic and sexual violence) a confidential substitute address to use for mail, and other lawful purposes (i.e. driver's license). The statute requires OVA to promulgate regulations concerning details on the operation of the program, which last occurred in June 2007. Given that fact, and given changes in technology and operations, OVA plans on updating these regulations and is in the initial drafting stages.	John Talaber (717) 787-8126

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Pennsylvania COMMISSION ON CRIME AND DELINQUENCY (PCCD)</i>			
Sheriffs' and Deputy Sheriffs' Education and Training Program 37 Pa. Code Chapter 421	Late 2015/2016, as Proposed	The Deputy Sheriffs' Education and Training Board (Board), an advisory board within the Commission on Crime and Delinquency, plans to amend the regulations at 37 Pa. Code Chapter 421 (relating to Deputy Sheriffs' Education and Training Board) due to statutory changes in Act 114 of 2014 (Act of Jul. 9, 2014, P. L. 1006, No. 114).	Linda Rosenberg 17) 265-8448 Cynthia Minnich (717) 265-8518
<i>Pennsylvania EMERGENCY MANAGEMENT AGENCY (PEMA)</i>			
911 Emergency Communications Services	Winter 2015-16, as Proposed	Once amended, Chapter 53 of Title 35 (Health and Safety) will necessitate the promulgation and adoption of rules and regulations necessary to enforce the newly-revised chapter, relating to the administration and operation of 911 systems in the Commonwealth.	Robert F. Mateff, Sr. (717) 651-2288 John Comey (717) 651-2715
<i>Pennsylvania HIGHER EDUCATION ASSISTANCE AGENCY (PHEAA)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania HOUSING FINANCE AGENCY (PHFA)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania INFRASTRUCTURE INVESTMENT AUTHORITY (PENNVEST)</i>			
Pennsylvania Infrastructure Investment Authority Assistance 25 Pa. Code §§ 963.1—963.20, including specifically: 963.12(a)(7) 963.13(c) 963.15(a) 963(15)(c) 963(16) 963.18(c)	Summer 2015, as Proposed	PENNVEST recommends the following revisions: Amend 25 Pa. Code § 963.1—963.20 to be consistent with statutory revisions imposed by P. L. 51, No. 16, enacted June 19, 2013 and guidance revisions implemented by the Department of Environmental Protection and to incorporate any provisions necessary to accommodate for the deletion of 25 Pa. Code § 965 in its entirety, including, but not limited to the following: (1) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor.	Shawn W. Weis (717) 783-6776

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<p>(2) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month.</p> <p>(3) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.</p> <p>(4) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(5) Amend 25 Pa. Code § 963.15(c)(6) by revising the sentence to define "bond interest rate" to mean the rate of interest paid by the Commonwealth in its issuance of general obligation bonds immediately preceding the date of the approval of the loan.</p> <p>(6) Amend 25 Pa. Code § 963.16 to provide the parameters of a loan or bond guarantee program to be provided by PENNVEST.</p> <p>(7) Delete 25 Pa. Code § 963.18(c)(2)(iii) to eliminate the requirement for prior written approval of change orders that exceed \$25,000 or 2 percent of the amount of the project's construction cost, or an aggregate of all change orders that exceed 10 percent of the project's construction cost.</p>	
<i>Pennsylvania MUNICIPAL RETIREMENT SYSTEM (PMRS)</i>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Pennsylvania STATE POLICE (PSP)</i>			
Training and Minimum Standards Under the Wiretapping and Electronic Surveillance Control Act 37 Pa. Code Chapter 51	Summer 2015, as Proposed	Title 18 Pa.C.S. § 5724 requires the Commissioner of the Pennsylvania State Police and the Attorney General to establish a training course for certification related to conducting wiretapping and electronic surveillance. Revisions to Chapter 51 as it relates to officer certification/re-certification and authorization to engage in the conduct of communications interception will be proposed to adjust the training to current technology and operational needs.	Lieutenant Robert J. Krol (717) 783-5566
Administration of Megan's Law—Neighbor Notification 37 Pa. Code Chapter 55	Summer 2015, as Final-Omitted	Title 42 Pa.C.S. § 9799.1, in part, required the Pennsylvania State Police write regulations regarding neighbor notification of the current residence of sexually violent predators. This section expired Dec. 20, 2012, and on that date the requirements of Title 42 Pa.C.S. § 9799.32 became effective. These new requirements, in part, place a duty on the Pennsylvania State Police to write guidelines regarding neighbor notification under § 9799.27(b)(1). Since there is no longer statutory authority for Chapter 55, it will be removed and reserved in its entirety. The contents will be updated and published as guidelines in a Statement of Policy.	Lieutenant Robert J. Krol (717) 783-5566
<i>Pennsylvania STATE SYSTEM OF HIGHER EDUCATION (PASSHE)</i>			
No regulations being developed or considered at this time.			
<i>PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM (PSERS)</i>			
No regulations being developed or considered at this time.			
<i>Department of REVENUE (DOR)</i>			
Amendments to Estates and Trusts—Personal Income Tax Regulations 61 Pa. Code Chapters 101, 103, 105 and 117	December 2015, as Proposed	The Department is promulgating this regulation to codify the Department's policy for the taxation of estates and trusts in the Commonwealth and to provide clear instructions for taxpayers regarding reporting requirements.	Douglas Berguson (717) 346-4633

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Amendments to Local Option Small Games of Chance (SGOC) 61 Pa. Code Chapter 901a	December 2015, as Proposed	The Department is proposing to replace Chapter 901 with a new Chapter 901a as a result of the amendments to the SGOC law. The proposed rulemaking will reorganize and clarify the SGOC regulations as well as incorporate necessary changes to implement Acts 2 and 184 of 2012 and Acts 90 and 92 of 2013.	Douglas Berguson (717) 346-4633
General Provisions Application of Payments 61 Pa. Code Chapter 5a	October 2015, as Proposed	The Department is promulgating this regulation to clarify the provisions of the Taxpayers' Bill of Rights and provide a procedure for the application of a payment received from a taxpayer to tax liability owed the Department.	Douglas Berguson (717) 346-4633
Amendments to Chapter 93—Inheritance Tax 61 Pa. Code § 93.101	October 2015, as Final-Form	The Department is promulgating this amendment to remove an obsolete regulation § 93.101 Medical expenses and insurance, superseded by statute (72 P. S. § 9129(k)).	Douglas Berguson (717) 346-4633
<i>Department of STATE (DOS)</i>			
<i>State Board of Accountancy</i>			
General Revisions (Act 73 and Act 15 Amendment) 49 Pa. Code Chapter 11 (16A-5513)	Spring 2016, as Final	This proposed rulemaking would implement the amendments to the CPA Law made by the act of July 9, 2008 (P. L. 954, No. 73) (Act 73), and the act of June 19, 2013 (P. L. 46, No. 15) (Act 15). Act 73 provided for practice in this Commonwealth under substantial equivalence by persons licensed in other states and provided new education and experience standards for licensure. Act 15 eliminated the requirement that applicants for licensure demonstrate 400 hours of experience in attest activity as a condition of licensure. Because the Board's existing regulations prohibit unlicensed practice with no mention of substantial equivalence and address the experience and education standards, the Board has concluded that it should amend its regulations to comport to the statutory changes made by Act 73 and Act 15.	Sara Fox (717) 783-1404

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (16A-5514)	Spring 2016, as Final	On November 28, 1998, under authority of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48), the Commissioner of Professional and Occupational Affairs published a schedule of civil penalties for certain violations of the CPA Law (63 P. S. §§ 9.1—9.16b) and the regulations of the State Board of Accountancy (Board). The schedule of civil penalties at § 43b.10a has been amended only once (in 2012). At this time, the Board is separately proposing a rulemaking (identified as 16A-5513) to amend certain of its substantive regulations relating to continuing education violations for which civil penalties are included in the schedule. The Commissioner has now determined, based upon the Board's proposed amendments to its regulations, that the Act 48 schedule of civil penalties for violations of the amended regulations require corresponding amendment.	Sara Fox (717) 783-1404
<i>State Athletic Commission</i>			
Prohibited Drug Testing 58 Pa. Code, Part I, Subpart A, Chapter 15 (16-58)	Winter 2015-2016, as Proposed	The proposed rulemaking would revise existing regulations on drug testing for boxers, mixed martial arts participants and kick boxers, as authorized under the Boxing Act.	Martha Brown (717) 787-6802
<i>State Architects Licensure Board</i>			
Electronic Seals and Signing 49 Pa. Code Chapter 9 (16A-4110)	Summer 2015, as Proposed	In addition to updating their current regulations on seals, the three boards that regulate design professionals in this Commonwealth (including the State Architects Licensure Board, the State Registration Board for Engineers, Land Surveyors and Geologists, and the State Board of Landscape Architects) are proposing new regulations setting forth standard requirements for electronic seals and electronic signing of design documents. The goal of these proposals is to provide all design professionals with regulations that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Amanda Li (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Auctioneer Examiners</i>			
Biennial Renewal Fees 49 Pa. Code § 1.41 (16A-649)	COMPLETED. Published as final-form rulemaking on May 23, 2015 (at 45 Pa.B. 2466).	Under section 6(a) of the Auctioneer Licensing and Trading Assistant Registration Act (63 P. S. § 734.6(a)), the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. The final rulemaking increases biennial renewal fees for apprentice auctioneers from \$100 to \$130; and the biennial renewal fees for auctioneers, auction houses and auction companies will increase from \$200 to \$260 to meet projected expenditures as required by law.	Terrie Kocher (717) 783-3397
<i>State Board of Barber Examiners</i>			
Schedule of Civil Penalties 49 Pa. Code § 43b.4 (16A-428)	Fall 2015, as Final-Omitted	This rulemaking would simply change the authority under which many of the current civil penalties are being issued from the statutory provision in the Barber License Law to the applicable provision in the regulations of the State Board of Cosmetology. In making this change, the legal authority supporting the schedule of civil penalties will be clearer.	Kelly Diller (717) 783-7130
General Revisions 49 Pa. Code Chapter 3 (16A-429)	Winter 2015/2016, as Proposed	The proposed rulemaking would update the regulations for barber managers, temporary student licenses, barber shops and schools of barbering. The amendments are needed to update obsolete provisions of the Board's regulations, as the regulations are at least 10 years old and some date back to 1931. Some of the regulations contain outdated terminology. Also, the Board would update the regulations to make them consistent with the Barber License Law and current practices of the Board and its licensees.	Kelly Diller (717) 783-7130

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Chiropractic			
Chiropractic Specialties 49 Pa. Code Chapter 5 (16A-4312)	Fall 2015, as Proposed	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The proposed rulemaking would prohibit a chiropractor from advertising that the chiropractor holds certification or otherwise is a specialist in a chiropractic specialty unless the chiropractor holds certification or diplomate status from a specialty board recognized by the American Board of Chiropractic Specialties. These specialty boards all require passing a certification examination after either a full-time residency of at least 3 years or a part-time program of more than 300 hours of education and clinical practice. This proposal protects consumers of chiropractic services who can be misled by advertising of "certifications" that does not truly reflect advanced knowledge, training or skill.	Stephen Snyder (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code §§ 5.91—5.96 (16A-4322)	Winter 2015/2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Chiropractic obtain required training in child abuse recognition and reporting.	Stephen Snyder (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Distance Education 49 Pa. Code § 5.79 (16A-4323)	Fall 2015, as Final	Section 507(a) of the Chiropractic Practice Act (act) (63 P. S. § 625.507(a)) requires each licensed chiropractor to complete at least 24 hours of continuing chiropractic education within the immediately preceding 2-year period as a condition of biennial license renewal. This final rulemaking would expressly permit continuing education to be completed through courses offered by distance education, subject to Board approval, but limit it to 50% of the required hours.	Stephen Snyder (717) 783-7155
Radiological Procedures Examination 49 Pa. Code §§ 5.6 and 5.63 (16A-4324)	Spring 2016, as Final	Section 522(a)(ii) of the act (63 P. S. § 625.522(a)(ii)) prohibits auxiliary personnel from performing radiologic procedures on the premises of a chiropractor unless the person has passed an examination approved by the Board and administered by a third-party testing service. The proposed rulemaking would delete the fee for the radiological procedures examination and reference to the application forms and would require auxiliary personnel to submit applications and pay the fee directly to the testing service rather than applying to the Board. This change is needed to comport to actual practice.	Stephen Snyder (717) 783-7155
<i>Bureau of Commissions, Elections and Legislation</i>			
Lobbying Disclosure Thresholds 51 Pa. Code §§ 51.1 and 57.2 (number not yet assigned)	Summer 2015, as Final-Omitted	Section 13A08(j) of the Lobbying Disclosure Act (act) (65 Pa.C.S. § 13A08(j)) requires the Department to review the threshold for exemption from registration and reporting every two years and increase those thresholds to “rates deemed reasonable for assuring appropriate disclosure” of lobbying expenditures. The Department has already published a notice of its intent to raise the thresholds from \$2,500 to \$3,000, effective January 1, 2017. This rulemaking would amend the regulations to reflect the updated threshold amounts.	Ian Everhart (717) 346-0462
Notaries Public 4 Pa. Code, Part VIII, Subpart C (number not yet assigned)	Winter 2015-2016, as Proposed	The proposed rulemaking would implement the act of October 9, 2013 (P. L. 609, No. 73), which adopted the Revised Uniform Law on Notarial Acts (RULONA).	Martha Brown (717) 787-6802

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Electronic Recording Commission-Real Property Electronic Recording Standards 4 Pa. Code, Part VIII, Subchapter G (16-57)	Fall 2015, as Temporary Regulations	These temporary regulations would implement the act of July 5, 2012 (Uniform Real Property Electronic Recording Act) (P. L. 935, No. 100). The temporary regulations put forth initial standards relating to electronic recording of real property documents developed by the Electronic Recording Commission.	Martha Brown (717) 787-6802
<i>Bureau of Corporations and Charitable Organizations</i>			
Names (including Symbols and Characters) 19 Pa. Code Chapter 17 (number not yet assigned)	Fall 2015, as Proposed	Section 133(a)(vi) of the Association Transactions Act authorizes the Department to specify the symbols or characters which do not make a name distinguishable on the records of the Department or may be used in the name of an entity. This rulemaking will revise the chapter on Names and add provisions on symbols and characters.	Martha Brown (717) 787-6802
UCC Revised Article 9 (16-35)	Fall 2015, as Proposed	This proposed rulemaking would adopt, with some revisions, the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments.	Martha Brown (717) 787-6802
<i>State Board of Cosmetology</i>			
Schedule of Civil Penalties 49 Pa. Code § 43b.5 (16A-4517)	Fall 2015, as Proposed	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Cosmetology promulgated by the Commissioner of Professional and Occupational Affairs under the authority of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48). The State Board of Cosmetology (Board) has participated in the Act 48 citation program from its inception in 1996 and has not increased the amounts in the schedule of civil penalties since they were originally promulgated. The Board believes that it is necessary to increase the civil penalties in order to improve their deterrent effect.	Kelly Diller (717) 783-7130

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Massage Therapists in Cosmetology or Esthetician Salons 49 Pa. Code Chapter 7 (16A-4518)	Fall 2015, as Proposed	The act of September 24, 2014 (P. L. 2476, No. 136) (Act 136) allows massage therapists to practice within the licensed square footage of a cosmetology or esthetician salon and requires the State Board of Cosmetology and the State Board of Massage Therapy to jointly promulgate regulations to implement these changes. This rulemaking effectuates these provisions of Act 136.	Kelly Diller (717) 783-7130
Examination 49 Pa. Code Chapter 7 (16A-4519)	Fall 2015, as Proposed	Historically, the licensure examinations for licensees of the State Board of Cosmetology required the passing of a written (theory) portion and a practical portion in which the candidate demonstrated the necessary skills. Act 136 eliminated the practical portion of the examination, leaving the Board with only a written examination that covers both theory and practical application questions. This rulemaking implements that portion of Act 136.	Kelly Diller (717) 783-7130
<i>State Board of Crane Operators</i>			
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (16A-7103)	Fall 2015, as Proposed	The proposed regulation would create a schedule of civil penalties for violations of the Crane Operator Licensure Act and regulations of the State Board of Crane Operators.	Amanda Li (717) 783-1404
<i>State Board of Dentistry</i>			
Anesthesia Update 49 Pa. Code Subchapter E, §§ 33.331—33.342 (16A-4621)	Fall 2015, as Proposed	This proposed rulemaking would update the standards for the administration of general anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide/oxygen analgesia in dental offices to conform to and adopt the current standards used by the dental profession.	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code § 33.250 (16A-4626)	Fall 2015, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Dentistry obtain required training in child abuse recognition and reporting.	Lisa Burns (717) 783-7162
General Revisions 49 Pa. Code Chapter 33 (16A-4628)	Fall 2015, as Proposed	The State Board of Dentistry has undertaken a review of existing regulations with the goal of updating the regulations and eliminating outdated and obsolete provisions. This proposed rulemaking would generally amend, update and clarify the regulations relating to fictitious names, biennial renewal, inactive status, reactivation, licensure by criteria approval, acceptable proof of professional liability insurance, use of titles, advertising, unprofessional conduct, multi-disciplinary professional corporations, exclusion of auxiliary personnel from performing radiological procedures and continuing dental education.	Lisa Burns (717) 783-7162
Schedule of Civil Penalties 49 Pa. Code § 43b.14a (16A-4630)	Fall 2015, as Proposed	The State Board of Dentistry has participated in the Act 48 citation program since 2001 and has not increased the amounts in the schedule of civil penalties for lapsed license/certificate violations since they were originally promulgated. The Board believes that it is necessary to increase the civil penalties to improve their deterrent effect. In addition, the proposal would add a schedule of civil penalties for continuing education violations.	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Restricted Faculty Licenses 49 Pa. Code Chapter 33 (16A-4632)	Fall 2015, as Proposed	The act of July 2, 2014 (P. L. 828, No. 89) (Act 89) amended the Dental Law to provide for restricted faculty licenses. A restricted faculty license is granted to an individual for the limited purpose of teaching in a dental school or advanced dental education program as a faculty member at an accredited dental school in this Commonwealth. This rulemaking effectuates Act 89.	Lisa Burns (717) 783-7162
Temporary Volunteer Dental Licenses 49 Pa. Code § 33.118 (16A-4631)	Fall 2015, as Proposed	This proposed regulation would implement the act of February 4, 2014 (P. L. 19, No. 7) (Act 7) to set forth the procedures to apply for a temporary volunteer dental license. The purpose of Act 7 of 2014 was to allow out-of-state dentists to volunteer their services in this Commonwealth and to participate in volunteer events/activities sponsored by the American Dental Association (ADA) and other National associations that may take place within the Commonwealth. This rulemaking effectuates Act 7.	Lisa Burns (717) 783-7162
<i>State Registration Board for Professional Engineers, Land Surveyors and Geologists</i>			
Electronic Seals and Signatures 49 Pa. Code Chapter 37 (16A-4712)	Fall 2015, as Proposed	In addition to updating their current regulations on seals, the three boards that regulate design professionals in this Commonwealth (including the State Architects Licensure Board, the State Registration Board for Engineers, Land Surveyors and Geologists, and the State Board of Landscape Architects) are proposing new regulations setting forth standard requirements for electronic seals and electronic signing of design documents. The goal of these proposals is to provide all design professionals with regulations that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Robin Shearer (717) 783-7049

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Renewal Fees 49 Pa. Code § 37.17 (16A-4713)	Spring 2016, as Final	Under section 9(a) of the Professional Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 156(a)) (act), the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board shall increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The current fee structure is inadequate to support the operations of the Board. This proposed rulemaking seeks to increase the biennial renewal fee for licensees from \$50 to \$100 so that revenues are sufficient to cover projected expenditures as required by the act.	Robin Shearer (717) 783-7049
<i>State Board of Funeral Directors</i>			
Continuing Education Enforcement 49 Pa. Code Chapter 13 (16A-4819)	Fall 2015, as Proposed	Under the Funeral Directors Law, all licensees are required to renew licenses biennially and complete at least 6 hours of approved continuing education courses as a condition of renewal. This proposed rulemaking would update and clarify the Board's regulations relating to renewal of licenses and enforcement of continuing education.	Heidy Weirich (717) 783-3397
Schedule of Civil Penalties— Funeral Directors 49 Pa. Code § 43b.6 (16A-4820)	Fall 2015, as Proposed	A companion to 16A-4819, this proposed regulation would amend § 43b.6 to establish a schedule of civil penalties for continuing education enforcement, including civil penalties for failing to complete the required amount of continuing education, providing a false or inaccurate certification relating to completion of continuing education and failing to respond to an audit request.	Heidy Weirich (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code § 13.301—13.307 (16A-4824)	Winter 2015/2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Funeral Directors obtain required training in child abuse recognition and reporting.	Heidy Weirich (717) 783-3397
Names 49 Pa. Code Chapter 13 (16A-4827)	Fall 2015, as Proposed	In a recent Federal lawsuit, the Third Circuit Court of Appeals held that certain provisions in the Funeral Director Law that prohibited the use of trade names are an unconstitutional violation of free commercial speech under the First Amendment to the U.S. Constitution. This rulemaking proposes to set standards for the use of names by a funeral entity and eliminate restrictions previously established under those provisions of the Funeral Director Law that have been determined to be unconstitutional.	Heidy Weirich (717) 783-3397
<i>State Board of Landscape Architects</i>			
General Revisions 49 Pa. Code Chapter 15 (16A-6111)	Winter 2015/2016, as Proposed	The State Board of Landscape Architects has undertaken a comprehensive review of its current regulations in an effort to update obsolete and incomplete provisions, to revise them to conform with current practices and to be consistent with the Landscape Architects Registration Law. This proposed rulemaking implements updates to current practices of the Board with respect to qualifications and experience, examinations and continuing education.	Terrie Kocher (717) 772-8528

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Electronic Seals and Signatures 49 Pa. Code Chapter 15 (16A-6112)	Fall 2015, as Proposed	In addition to updating their current regulations on seals, the three boards that regulate design professionals in this Commonwealth (including the State Architects Licensure Board, the State Registration Board for Engineers, Land Surveyors and Geologists, and the State Board of Landscape Architects) are proposing new regulations setting forth standard requirements for electronic seals and electronic signing of design documents. The goal of these proposals is to provide all design professionals with regulations that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Terrie Kocher (717) 772-8528
Schedule of Civil Penalties— Landscape Architects 49 Pa. Code Chapter 43b (16A-6120)	Fall 2015, as Proposed	This proposed rulemaking would adopt a schedule of civil penalties for unlicensed practice and other violations of the Landscape Architects Registration Law. Statutory Authority: Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48), 63 P. S. § 2205(a).	Terrie Kocher (717) 772-8528
<i>State Board of Massage Therapy</i>			
Child Abuse Reporting Requirements 49 Pa. Code Chapter 20 (16A-722)	Winter 2015/2016, as Proposed	This proposed regulation would establish regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL). Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. One of those amendments makes it clear that all licensees of health-related boards are mandatory reporters, which would include licensed massage therapists. This rulemaking implements the mandatory reporting requirements as recently amended, including the requirement that all applicants and licensees of the State Board of Massage Therapists obtain required training in child abuse recognition and reporting.	Judy Harner (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Schedule of Civil Penalties— Massage Therapists 49 Pa. Code § 43b.23a (16A-723)	Fall 2015, as Final	The rulemaking updates the schedule of civil penalties promulgated as a statement of policy in 2010. The rulemaking seeks to increase the deterrent effect by increasing the civil penalties for certain violations and adds additional offenses to the schedule.	Judy Harner (717) 783-7155
Fees 49 Pa. Code § 20.3 (16A-724)	Fall 2015, as Proposed	Under section 11 of the Massage Therapy Act (63 P. S. § 627.11) the State Board of Massage Therapy is required to support its operations by the revenue it generates from fees, fines and civil penalties. In addition, it provides that the Board shall increase fees if revenue is not sufficient to meet projected expenditures. Under the current fee structure, the Board cannot produce enough revenue to meet projected expenditures. This proposal would increase biennial renewal fees for massage therapists, application fees, and fees for temporary practice permits.	Judy Harner (717) 783-7155
General Revisions 49 Pa. Code Chapter 20 (16A-725)	Winter 2015-2016, as Proposed	This proposed rulemaking would address education, scope of practice of massage therapy, practice in cosmetology and esthetician salons and other provisions of the Board's regulations.	Judy Harner (717) 783-7155
<i>State Board of Medicine</i>			
Use of Medical Lasers 49 Pa. Code Chapter 18, Subchapter G (16A-4939)	Fall 2015, as Proposed	This proposed rulemaking is intended to clarify the requirements for the use and delegation of the use of medical lasers. Based on the information available, the Board concluded that the use of prescription or medical lasers and other high energy source medical devices for the treatment of skin conditions by unlicensed individuals without adequate medical supervision presents an unreasonable risk of serious harm and potential permanent scarring or disfigurement. The Board proposes this rulemaking, which will bring the Board's regulations in line with the majority of other states that have already promulgated regulations related to these devices.	Suzanne Zerbe (717) 783-1400

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 16.101—16.107 (16A-4941)	Winter 2015/2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Medicine obtain required training in child abuse recognition and reporting.	Suzanne Zerbe (717) 783-1400
Schedule of Civil Penalties 49 Pa. Code Chapter § 43b.20 (16A-4942)	Fall 2015, as Proposed	This proposed rulemaking provides for a schedule of civil penalties for licensees of the State Board of Medicine who fail to make reports required under section 903(1) and (4) of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.903(1) and (4)), fail to timely complete mandatory continuing education, practice on an expired license, or have minor disciplinary action imposed by the proper licensing authority of another state. These additions are intended to take advantage of the efficiencies of the Act 48 citation process.	Suzanne Zerbe (717) 783-1400
Prosthetists, Orthotists, Pedorthists and Orthotic Fitters 49 Pa. Code Chapters 16 and 18 (16A-4943)	Fall 2015, as Final	The act of July 5, 2012 (P. L. 873, No. 90) (Act 90) and the act of July 2, 2014 (P. L. 941, No. 104) (Act 104) amended the Medical Practice Act of 1985, to require the State Board of Medicine to issue licenses to prosthetists, orthotists, pedorthists and orthotic fitters, to regulate the practice of these professions and to discipline licensees. This final-form rulemaking would implement Act 90 and Act 104.	Suzanne Zerbe (717) 783-1400

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Nursing			
General Revisions 49 Pa. Code Chapter 21 (16A-5125)	Fall 2015, as Final	This rulemaking would revise the State Board of Nursing's regulations relating to the timeframes within which candidates for licensure as registered nurses, practical nurses and dietitian-nutritionists must first take and ultimately pass the appropriate licensing examination and updates and makes uniform application and examination provisions across the licensure categories.	Cindy Miller (717) 783-7142
Continuing Education; Reporting of Crimes and Discipline 49 Pa. Code §§ 21.131—21.134 (16A-5126)	Summer 2015, as Final	This regulation will amend the Board's continuing education regulations to clarify that registered nurses may not renew their licenses without completing their continuing education, and to clarify the requirements for timely reporting of crimes and disciplinary actions.	Cindy Miller (717) 783-7142
Nursing Education Programs 49 Pa. Code Chapter 21 (16A-5129)	Spring 2016, as Proposed	This proposed rulemaking updates and synthesizes the Board's nursing education program approval requirements for pre- and post-licensure education programs for practical nurses, professional nurses and certified registered nurse practitioners into one subchapter.	Cindy Miller (717) 783-7142
Child Abuse Reporting Requirements 49 Pa. Code §§ 21.501—21.507 (16A-5140)	Winter 2015/2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Nursing obtain required training in child abuse recognition and reporting.	Cindy Miller (717) 783-7142

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Examiners of Nursing Home Administrators</i>			
Schedule of Civil Penalties 49 Pa. Code § 43b.17 (16A-6213)	Summer 2015, as Proposed	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Examiners of Nursing Home Administrators to implement Act 48 civil penalties for continuing education violations.	Chris Stuckey (717) 783-7155
Notice Requirements 49 Pa. Code §§ 39.92 and 39.93 (16A-6217)	Fall 2015, as Final	This rulemaking clarifies notice requirements relating to convictions of crimes and return of suspended or revoked licenses.	Chris Stuckey (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code Chapter 39 (16A-6218)	Winter 2015/2016, as Proposed	This proposed regulation would establish regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL). Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. One of those amendments makes it clear that all licensees of health-related boards are mandatory reporters, which would include licensed nursing home administrators. This rulemaking implements the mandatory reporting requirements as recently amended, including the requirement that all applicants and licensees of the State Board of Examiners of Nursing Home Administrators obtain required training in child abuse recognition and reporting.	Chris Stuckey (717) 783-7155
<i>State Board of Occupational Therapy Education and Licensure</i>			
Child Abuse Reporting Requirements 49 Pa. Code Chapter 42 (16A-679)	Winter 2015/2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Occupational Therapy Education and Licensure obtain required training in child abuse recognition and reporting.	Judy Harner (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Code of Ethics 49 Pa. Code § 42.24 (16A-6710)	Fall 2015, as Proposed	Beginning in 2011, the Board undertook a review of the language existing in § 42.24 and has compared it to various editions of the AOTA Occupational Therapy Code of Ethics. As a result of its review, the Board determined that it should update § 42.24 by adopting the 2015 AOTA Code of Ethics, which the Board finds to be the minimum standard of ethical conduct for occupational therapists and occupational therapy assistants in this Commonwealth. The AOTA Code of Ethics not only reflects the Board's own view of ethical practice, but will also keep the Commonwealth's ethical standards consistent with the National standards.	Judy Harner (717) 783-1389
General Revisions 49 Pa. Code Chapter 42 (16A-6711)	Fall 2015, as Proposed	The act of July 5, 2012 (P. L. 1132, No. 138) (Act 138) amended the Occupational Therapy Practice Act to, among other things, require the maintenance of professional liability insurance by occupational therapists, provide for the imposition of civil penalties in accordance with the act of July 2, 1993 (P. L. 345, No. 48), permit the Board to participate in the Bureau's "impaired professionals program," and authorize the Board to establish additional requirements for licensure renewal designed to assure continued competency for occupational therapy assistants. This rulemaking implements the professional liability insurance and continued competency provisions of Act 138.	Judy Harner (717) 783-1389
<i>State Board of Optometry</i>			
Schedule of Civil Penalties— Optometrists 49 Pa. Code Chapter 43b (16A-5212)	COMPLETED. Published as final rulemaking on June 27, 2015 (at 45 Pa.B. 3360).	This schedule of civil penalties sets forth penalties for practicing on a lapsed license as well as for failure to complete the required 30 hours of approved continuing education.	Stephen Snyder (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
General Revisions 49 Pa. Code Chapter 23 (16A-5213)	Fall 2015, as Proposed	Section 3(b)(14) of the Optometric Practice and Licensure Act (act) gives the Board the authority to promulgate all rules and regulations necessary to carry out the purposes of the act. Section 5(b) of the act provides the minimal requirements for continuing education of 30 hours in a biennial period for licensed optometrists. The Board is proposing amendments to its existing regulations to ensure that clear guidance is given to licensees in prescribing contact lenses, reporting continuing education and the standards for accepting commercial support from the providers of continuing education.	Stephen Snyder (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code §§ 23.111—23.116 (16A-5215)	Winter 2015/2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Optometry obtain required training in child abuse recognition and reporting.	Stephen Snyder (717) 783-7155
<i>State Board of Osteopathic Medicine</i>			
Child Abuse Reporting Requirements 49 Pa. Code §§ 25.401—25.416 (16A-5326)	Winter 2015/2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Osteopathic Medicine obtain required training in child abuse recognition and reporting.	Aaron Hollinger (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Genetic Counselors 49 Pa. Code Chapter 25 (16A-5328)	Fall 2015, as Final	This final-form rulemaking would implement the act of December 22, 2011 (P. L. 581, No. 126) relating to the licensure of genetic counselors.	Aaron Hollinger (717) 783-4858
Prescribing 49 Pa. Code § 25.218 (16A-5330)	Fall 2015, as Proposed	The State Board of Osteopathic Medicine proposes this rulemaking to set forth the minimum acceptable standards of practice that an osteopathic physician or physician assistant licensed by the Board must follow when prescribing, administering or dispensing controlled substances or one specific additional drug which shares serious potential for addiction and abuse (butalbital). Butalbital is a barbiturate that is known to have addictive and abuse potential and is prone to overuse by the consumer.	Aaron Hollinger (717) 783-4858
<i>State Board of Pharmacy</i>			
Compounding Practices 49 Pa. Code Chapter 27 (16A-5419)	Fall 2015, as Proposed	Through careful review and with input from stakeholders, the State Board of Pharmacy proposes to update its regulations to incorporate developments and improvements in the profession's safe, sterile practices and procedures for the compounding of pharmaceutical products for patients.	Melanie Zimmerman (717) 783-7156
Collaborative Management of Drug Therapy 49 Pa. Code Chapter 27 (16A-5425)	Summer 2015, as Final	In August 2002, the Pharmacy Act was amended to add section 9.1 (63 P. S. § 390-9.1) to authorize pharmacists practicing in an institution setting to manage drug therapy via a written protocol. In August 2010, the act was further amended to add section 9.3, which provides for collaborative drug therapy management in accordance with a written collaborative agreement between a physician and a pharmacist in a setting other than an institutional setting. These proposed amendments are required to implement section 9.3.	Melanie Zimmerman (717) 783-7156

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code Chapter 27 (16A-5430)	Winter 2015/2016, as Proposed	This proposed regulation would establish regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL). Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. One of those amendments makes it clear that all licensees of health-related boards are mandatory reporters, which would include licensees of the State Board of Pharmacy. This rulemaking implements the mandatory reporting requirements as recently amended, including the requirement that all applicants and licensees of the Board obtain required training in child abuse recognition and reporting.	Melanie Zimmerman (717) 783-7156
Administration of Injectable Medications, Biologicals and Immunizations 49 Pa. Code §§ 27.401—27.407 (16A-5431)	Winter 2015/2016, as Proposed	In June of 2015, the Pharmacy Act was amended to reduce the age of patients that a pharmacist could administer influenza vaccines from 18 to 9 and to allow pharmacy interns to administer injectable medications, biologicals and immunizations. This rulemaking implements the 2015 amendments to the act.	Melanie Zimmerman (717) 783-7156
<i>State Board of Physical Therapy</i>			
Continuing Education Enforcement 49 Pa. Code §§ 40.67(f) and 40.192(f) (16A-6515)	Winter 2015/2016, as Final	In conjunction with the civil penalty schedule that follows, this rulemaking would amend the continuing education regulations with regard to enforcement. To obtain greater compliance with the underlying continuing education requirements, this rulemaking amends the Board's regulations to address curing the deficiency when a licensee is found to be in violation of the continuing education regulations.	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (16A-6516)	Winter 2015/2016, as Final	This rulemaking would establish a schedule of civil penalties for the State Board of Physical Therapy to implement Act 48 civil penalties for practicing on a lapsed license and for continuing education violations. As is being done for other licensing boards with continuing education requirements, the Commissioner is proposing a civil penalty schedule for violation of the continuing education requirements for licensees of the Board, because the Commissioner and Board believe the Act 48 citation process will be a much more efficient method of handling these violations, while still ensuring licensees due process.	Michelle Roberts (717) 783-7134
Post-Act 38 Corrections 49 Pa. Code Chapter 40 (16A-6517)	Fall 2015, as Proposed	The act of July 4, 2008 (P. L. 293, No. 38) (Act 38) substantially amended the act, including qualifications for licensure as a physical therapist, continuing education for all physical therapists and physical therapist assistants, professional liability insurance for all physical therapists, physician referral, and supervision of physical therapist assistants by physical therapists on a basis that may be less than direct on-premises supervision. Due to the extensive nature and breadth of these amendments, on December 22, 2012, at 42 Pa.B. 7652, the Board amended its regulations to implement Act 38. After final promulgation, the Board discovered various typographical errors to correct, necessary clarity edits and other items that were not, but could have been, addressed in the prior rulemaking. This rulemaking proposes to address those items.	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 40.201—40.207 (16A-6518)	Winter 2015/2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Physical Therapy obtain required training in child abuse recognition and reporting.	Michelle Roberts (717) 783-7134
<i>State Board of Podiatry</i>			
Certificate of Authority to Perform Acupuncture 49 Pa. Code Chapter 29 (16A-449)	Fall 2015, as Proposed	This proposed rulemaking would establish the fees and regulate the practice of acupuncture by podiatrists under the Acupuncture Registration Act. Through this rulemaking the State Board of Podiatry strives to ensure that podiatrists who perform acupuncture will have the proper training.	Aaron Hollinger (717) 783-4858
Child Abuse Reporting Requirements 49 Pa. Code §§ 29.91—29.97 (16A-4412)	Winter 2015/2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Podiatry obtain required training in child abuse recognition and reporting.	Aaron Hollinger (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Schedule of Civil Penalties—Podiatrists 49 Pa. Code Chapter 43b (16A-4413)	Spring 2016, as Final	This proposed rulemaking would adopt a schedule of civil penalties for continuing education and lapsed license violations. This is the first time that the State Board of Podiatry will participate in the Act 48 citation program. The Commissioner and the Board believe that it is necessary to implement the civil penalties contained in this proposed rulemaking in order to streamline the disciplinary process.	Aaron Hollinger (717) 783-4858
<i>State Board of Psychology</i>			
Continuing Education 49 Pa. Code § 41.59 (16A-6317)	Fall 2015, as Proposed	The Board, in its effort to continually review the efficacy of its regulations, has again reviewed the continuing education regulations and has determined that amendments are needed to update, revise and clarify the continuing education requirements. This proposed rulemaking would amend the requirements relating to home study, instruction and carry over.	Chris Stuckey (717) 783-7155
Code of Conduct 49 Pa. Code § 41.61 (16A-6324)	Fall 2015, as Proposed	This proposed rulemaking would update the Board's Code of Conduct to adopt the American Psychological Association's (APA) Ethical Principles of Psychologists and Code of Conduct and various enumerated APA practice guidelines.	Chris Stuckey (717) 783-7155
Qualifications 49 Pa. Code § 41.31 (16A-6320)	Fall 2015, as Proposed	In 2010, the Board published amendments to the regulations relating to education, examination and experience requirements for licensure. Since then, the Board has determined that additional amendments are needed to provide greater clarity.	Chris Stuckey (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code Chapter 41 (16A-6322)	Winter 2015/2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Psychology obtain required training in child abuse recognition and reporting.	Chris Stuckey (717) 783-7155
<i>State Board of Certified Real Estate Appraisers</i>			
Schedule of Civil Penalties— Real Estate Appraisers 49 Pa. Code § 43b.15a (16A-7016)	Fall 2015, as Proposed	The proposed rulemaking will codify and amend the Board's current schedule of civil penalties. Since the publication of the schedule in 2004, there have been several amendments to the Real Estate Appraiser Certification Act (REACA) which have altered several provisions that were included in the current schedule of civil penalties. In addition, the experience of the Board during the intervening years has demonstrated that additional violations, for example, continuing education violations, are appropriately disposed by the Act 48 citation process.	Heidy Weirich (717) 783-4866
Assessment Record Keeping and Reporting 49 Pa. Code §§ 36.201 and 36.265 (16A-7018)	Fall 2015, as Proposed	The proposed rulemaking updates the Board's regulations to reflect current practice followed by assessment offices throughout the Commonwealth, and to assure consistency with Uniform Standards of Appraisal Practice (USPAP) and International Association of Assessing Officers (IAAO) standards of assessment practice.	Heidy Weirich (717) 783-4866

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Biennial Renewal Fee for Licensed Appraiser Trainee 49 Pa. Code § 36.6 (16A-7020)	Fall 2015, as Final	The Board published a final-form rulemaking in 2010 establishing a regulatory scheme for the appraiser trainee license. At that time, the Board established an initial application fee of \$75 for the appraiser trainee license. However, although an appraiser trainee license may be renewed biennially up to four times, the Board did not establish a biennial renewal fee. By this final-form rulemaking, the Board corrects that oversight by establishing a biennial renewal fee for licensed appraiser trainees at \$150.	Heidy Weirich (717) 783-4866
General Rulemaking for Appraisal Management Companies 49 Pa. Code Chapter 36 (16A-7021)	Summer 2015, as Proposed	The proposal would govern the registration of appraisal management companies as required by the Appraisal Management Company Registration Act, 63 P. S. §§ 457.21—457.31. Temporary regulations pertaining to appraisal management companies expired on February 1, 2015.	Heidy Weirich (717) 783-4866
<i>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</i>			
Child Abuse Reporting Requirements 49 Pa. Code §§ 47.51—47.57 (16A-6919)	Winter 2015/2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors obtain required training in child abuse recognition and reporting.	Sandra Matter (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Licensed Bachelor Social Worker 49 Pa. Code Chapter 47 (16A-6922)	Fall 2015, as Proposed	The proposed rulemaking would amend the Board's regulations to implement the act of October 22, 2014 (P. L. 2884, No. 179) (Act 179) which provides for the establishment of a bachelor level social worker's license. The proposal establishes fees, licensure requirements, continuing education requirements, and standards of practice for licensed bachelor social workers.	Sandra Matter (717) 783-1389
General Revisions 49 Pa. Code Chapters 47, 48 and 49 (16A-6923)	Fall 2015, as Proposed	Beginning in 2012, and culminating with this proposed rulemaking, the Board has undertaken a comprehensive review of its regulations relating to qualifications for licensure, supervision of clinical experience, including the provision of supervision through electronic means, and continuing education. The purpose of this rulemaking is to eliminate outdated provisions, update standards to reflect modern technology, and to modernize the Board's processes relating to licensure.	Sandra Matter (717) 783-1389
<i>State Board of Examiners in Speech-Language Pathology and Audiology</i>			
General Revisions 49 Pa. Code Chapter 45 (16A-6803)	Winter 2015/2016, as Proposed	This proposed regulation would update the Board's existing regulations to delete or amend outdated provisions and to implement the act of Jul 2, 2014 (P. L. 971, No. 106) (Act 106 of 2014), which eliminated licensure of teachers of the hearing impaired and made other revisions to the Speech-Language Pathologists and Audiologists Licensure Act.	Sandra Matter (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 45.401—45.407 (16A-6805)	Winter 2015/2016, as Proposed.	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Examiners in Speech-Language Pathology and Audiology obtain required training in child abuse recognition and reporting.	Sandra Matter (717) 783-1389
<i>State Board of Veterinary Medicine</i>			
Licensure of Euthanasia Technicians 49 Pa. Code Chapter 31 (16A-5726)	Fall 2015, as Proposed	This proposed rulemaking is necessary to implement the act of October 24, 2012 (P. L. 1452, No. 182) (Act 182 of 2012) which amended the Animal Destruction Method Authorization Law to require the State Board of Veterinary Medicine to register animal welfare organizations and to license euthanasia technicians to permit the organizations to purchase controlled substances and employ euthanasia technicians for the humane euthanasia of small domestic animals.	Michelle Roberts (717) 783-7134
<i>STATE EMPLOYEES' RETIREMENT SYSTEM (SERS)</i>			
Time for Recomputation of Annuity 4 Pa. Code § 247.5.1 (#31-14)	2015, as Proposed	The regulations will provide guidance on when an annuitant is permitted to change their optional payment plan authorized by the second to last sentence of 71 Pa.C.S. § 5907(j). There is no timeframe in the statute for this election to occur, causing administrative difficulties including possibly permitting anti-selection of death benefits, requiring members to make a declaration under discontinued disability benefits and negating an option change absent another qualifying event. Specifically, the regulations will impose a seven-year time limit for	M. Catherine Nolan (717) 237-0392 Sharon Smith (717) 237-0227 Jay Pagni (717) 237-0236

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		annuitants to change the optional payment plan after the death, divorce or marriage triggering such right or upon occurrence of a superseding triggering event under § 5907(j), whichever occurs first. This proposed rulemaking has been approved by the SERS Board.	
Member Contributions for the Purchase of Credit for Previous State Service or to Become a Full Coverage Member 4 Pa. Code § 245.4 (#31-14)	2015, as Proposed	The regulations will clarify the effects of the reinstatement or purchase of previous State service, an area in which an appellate and a Board decision have offered partial guidance. Specifically, under the proposed rulemaking, any SERS member or multiple service member of the Public School Employees' Retirement System ("PSERS") who applies to purchase credit for previous optional State service, must purchase credit for all such service simultaneously and it would also extend the payroll deduction payment period from the currently customary three years to six years. This would enable consistent application of the statute and would reduce litigation of purchase of service issues. It will permit members greater flexibility in making a purchase of service and receiving credit for their previous service. This rulemaking has been approved by the SERS Board.	M. Catherine Nolan (717) 237-0392 Sharon Smith (717) 237-0227 Jay Pagni (717) 237-0236
<i>Department of TRANSPORTATION (DOT)</i>			
Authorized Vehicles and Special Operating Privileges 67 Pa. Code Chapter 15 (#18-463)	Fall 2015, as Final-Form	These amendments designate additional Type I authorized vehicles, including vehicles used by Dog Wardens and the SPCA, to be equipped with yellow flashing or revolving lights.	Glenn Rowe (717) 783-6479
Temporary Registration Cards and Plates 67 Pa. Code Chapter 43	Winter 2015, as Proposed	These amendments will effectuate consistent validity periods applicable to temporary registration cards and cardboard temporary registration plates for a vehicle which is acquired in Pennsylvania for in- and out-of-state registration and use.	Anita Wasko (717) 787-2171
School Bus Drivers—Physical and Mental Criteria 67 Pa. Code Chapter 71 (#18-464)	Winter 2015, as Final-Form	The regulations will update the medical standards for school bus drivers that have brain disease, cognitive impairment or a mental/emotional disorder.	Laura Krol (717) 346-1907

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
School Bus Drivers— Vision Standards and Loss of Consciousness Requirements 67 Pa. Code Chapter 71 (#18-435)	Winter 2015, as Final-Form	The regulations will update the medical standards for school bus drivers who have a loss of consciousness of unknown or uncategorized etiology and establish field of vision requirements.	Laura Krol (717) 346-1907
Photographic Driver's License 67 Pa. Code Chapter 73	Fall 2015, as Proposed	This regulation will update the standards and procedures for initial issuance, renewal, replacement and duplicate issuance of a driver's license.	Kara N. Templeton (717) 787-2977
Physical and Mental Criteria Relating to the Licensing of Drivers 67 Pa. Code Chapter 83 (#18-465)	Winter 2015, as Final-Form	The regulations will update the medical standards for license holders that have brain disease, cognitive impairment or a mental/emotional disorder.	Laura Krol (717) 346-1907
Vision Standards and Loss of Consciousness Requirements Relating to the Licensing of Drivers 67 Pa. Code Chapter 83 (#18-436)	Winter 2015, as Final-Form	The regulations will update the medical standards for license holders who have a loss of consciousness of unknown or uncategorized etiology and establish field of vision requirements.	Laura Krol (717) 346-1907
Identification Cards 67 Pa. Code Chapter 91	Fall 2015, as Proposed	This regulation will update the standards and procedures for initial issuance, renewal, replacement and duplicate issuance of a Department issued identification card.	Kara N. Templeton (717) 787-2977
Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic 67 Pa. Code Chapter 101 (#18-461)	Winter 2015, as Final-Form	The regulation amends existing regulations to be consistent with a Federal Highway Administration rulemaking (23 CFR Part 634).	Glenn Rowe (717) 783-6479
Mechanical Electrical and Electronic Speed Timing Devices 67 Pa. Code Chapter 105 (#18-460)	Fall 2015, as Final-Form	The regulations are being updated to reflect changes in equipment technology relating to calibration and maintenance of speed timing devices used for law enforcement purposes and to delete references to obsolete equipment and calibration procedures.	Kay Kishbaugh (717) 787-2171
Vehicle Equipment and Inspection 67 Pa. Code Chapter 175 (#18-466)	Summer 2015, as Proposed	These amendments update vehicle equipment and inspection standards to better reflect current technologies, consistent with recommendations by the Department's Inspection Advisory Board.	Kay Kishbaugh (717) 787-2171
Hauling in Excess of Posted Weight Limit 67 Pa. Code Chapter 189 (#18-467)	Fall 2015, as Proposed	These amendments is to promulgate regulations consistent with amendments to the Vehicle Code under Act 89 of 2013.	Steve Koser (717) 787-7908

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Local Traffic Statement of Policy (Amendment) 67 Pa. Code Chapter 190 (#18-468)	Estimated Publication: Fall 2015	This amended Statement of Policy updates the existing Statement of Policy to reflect amendments to the Vehicle Code under Act 89 of 2013.	Steve Koser (717) 787-7908
Official Traffic Control Devices 67 Pa. Code Chapter 212	Winter 2015, as Proposed	These amendments are needed to adopt revisions to the Manual on Uniform Traffic Control Devices (MUTCD) as applicable in Pennsylvania; to update references to Department publications; and to establish that the Secretary may determine the Department will install, operate, or maintain traffic signals, including certain traffic signal corridors (in lieu of local entities), as authorized by Act 89 of 2013.	Glenn Rowe (717) 783-6479
Intrastate Motor Carrier Safety 67 Pa. Code Chapter 231 (#18-462)	Fall 2015, as Proposed	The proposed amendments are necessary to waive hours of service and other requirements for mass transportation organizations and their drivers, while establishing new requirements consistent with the public interest.	Danielle Spila (717) 787-1208
Hazardous Material Transportation 67 Pa. Code Chapter 403 (#18-469)	Fall 2015, as Proposed	The purpose of these amendments is to remove outdated or superfluous language in the Department's Hazardous Materials regulations and ensure consistency with federal regulations.	Glenn Rowe (717) 783-6479

[Pa.B. Doc. No. 15-1385. Filed for public inspection July 24, 2015, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, July 9, 2015, and announced the following:

Action Taken—Regulations Approved:

State Board of Pharmacy #16A-5425: Collaborative Management of Drug Therapy (amends 49 Pa. Code §§ 27.1, 27.301, 27.302, 27.311 and 27.312)

Environmental Quality Board #7-489: Land Reclamation Financial Guarantees and Bioenergy Crop Bonding (amends 25 Pa. Code Chapters 77, 86, 87, 88, 89, 90 and 211)

Department of Conservation and Natural Resources #7B-7: State Forest Picnic Areas (amends 17 Pa. Code)

Approval Order

Public Meeting Held
July 9, 2015

Commissioners Voting: John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Pharmacy—
Collaborative Management of Drug Therapy;
Regulation No. 16A-5425 (#3006)*

On April 22, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Pharmacy (Board). This rulemaking amends 49 Pa. Code §§ 27.1, 27.301, 27.302, 27.311 and 27.312. The proposed regulation was published in the May 4, 2013 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 3, 2015.

This final regulation implements regulations mandated by Act 29 of 2010, which amended Section 9.3 of the Pharmacy Act (63 P. S. § 390-9.3) to provide for collabora-

tive drug therapy management in accordance with a written collaborative agreement between a physician and a pharmacist in a setting other than an institutional setting. The final regulation also clarifies and updates the liability insurance obligations for pharmacists engaging in the collaborative management of drug therapy in any setting.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 390-6(k)(9) and 390-9.3) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
July 9, 2015

Commissioners Voting: John F. Mizner, Esq., Chairperson;
George D. Bedwick, Vice Chairperson; W. Russell Faber;
Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board—
Land Reclamation Financial Guarantees and
Bioenergy Crop Bonding;
Regulation No. 7-489 (#3074)*

On October 7, 2014, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 77, 86, 87, 88, 89, 90 and 211. The proposed regulation was published in the October 25, 2014 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 4, 2015.

This regulation implements Acts 95 and 157 of 2012 which provide voluntary incentives relating to reclamation bond coverage to meet the statutory bonding obligations required by the Surface Mining Conservation and Reclamation Act (SMCRA). The regulation also includes an update of citations as a result of the amendment of SMCRA.

We have determined this regulation is consistent with the statutory authority of the Board (71 P.S. § 510-20(b)) and the intention of the General Assembly. Having con-

sidered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
July 9, 2015

Commissioners Voting: John F. Mizner, Esq., Chairperson;
George D. Bedwick, Vice Chairperson; W. Russell Faber;
Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Department of Conservation and Natural Resources—
State Forest Picnic Areas;
Regulation No. 7B-7 (#3072)*

On August 21, 2014, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Conservation and Natural Resources (Department). This rulemaking amends 17 Pa. Code. The proposed regulation was published in the September 6, 2014 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 5, 2015.

This regulation consolidates 17 Pa. Code, Chapter 21 (General Provisions) and Chapter 23 (State Forest Picnic Areas) to eliminate several redundancies and inconsistencies that exist between the two sets of regulations. In addition to merging the two chapters, the regulation reorganizes, updates, and clarifies certain State forest provisions.

We have determined this regulation is consistent with the statutory authority of the Department (71 P.S. §§ 1340.302, 1340.313 and 1340.502) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 15-1386. Filed for public inspection July 24, 2015, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
64-5	Board of Finance and Revenue General Provisions; Tax and Other Appeal Proceedings 45 Pa.B. 2362 (May 16, 2015)	6/15/15	7/15/15

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-4713	State Registration Board for Professional Engineers, Land Surveyors and Geologists Renewal Fee 45 Pa.B. 2368 (May 16, 2015)	6/15/15	7/15/15

**Board of Finance and Revenue Regulation #64-5
(IRRC #3091)**

**General Provisions; Tax and Other
Appeal Proceedings**

July 15, 2015

We submit for your consideration the following comments on the proposed rulemaking published in the May 16, 2015 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Board of Finance and Revenue (Board) to respond to all comments received from us or any other source.

1. Implementation procedures; Clarity.

This proposed rulemaking deletes 61 Pa. Code Chapter 701, relating to special rules of administrative practice and procedure, and replaces it with Chapter 702, relating to general provisions, and Chapter 703, relating to tax and other appeal proceedings. Section 702.1 and 702.2 explain the scope of Chapter 702 and note that it shall be liberally construed. As written, these sections do not apply to Chapter 703. Is that the intent of the Board? We ask the Board to clarify this in the Preamble to the final-form rulemaking. If the scope and liberal construction provisions are meant to be applicable to Chapter 703 as well, the Board should amend the rulemaking to make that fact clear to the regulated community.

In addition, § 702.1(b) states that Chapter 702 supersedes the General Rules of Administrative Practice and Procedure (GRAPP) in 1 Pa. Code Part II. If so, then why is the supersession language in subsection (c) necessary? This same issue arises throughout numerous sections of Chapter 702 and 703. In the Preamble to the final-form rulemaking, we ask the Board to explain how these rules will be implemented in relationship to GRAPP, and if appropriate, to delete the suppression language found in the numerous sections of both chapters.

2. Consistency with statute; Implementation procedures; Clarity.

In order for a person to participate in appeal proceedings before the Board, that person must understand and comply with the regulations of the Board and Article XXVII of the Tax Reform Code of 1971. 72 P.S. §§ 9701—9901. The proposed rulemaking includes and expands upon certain provisions of Article XXVII, but is silent on other provisions. For example, the proposed rulemaking does not provide time frames for when petitions for reassessments must be filed or when a decision and order must be issued by the Board. This framework could be confusing to those not familiar with the nuances of the tax appeal environment in the Commonwealth. We believe it would be beneficial to the regulated community if they could rely on one document, the Board's regulations, to understand how to effectively file an appeal and participate before the Board. To improve the overall clarity of the regulation and to assist the regulated community with participation and compliance with the

Commonwealth's tax appeal process, we recommend that the Board amend this regulatory package to more accurately reflect all aspects of it.

3. Determining whether the regulation is in the public interest.

Section 5.2 of the RRA (71 P.S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers the information a promulgating agency is required to provide under § 745.5(a) in the regulatory analysis form (RAF). As required by Item 12 of the RAF, we ask the Board to provide a comparison of this regulation to those of other states. We also ask the Board to update its response as to the expected delivery date of the final-form regulation in Item 29 of the RAF.

CHAPTER 702. GENERAL PROVISIONS

4. Section 702.3. Definitions.—Clarity.

The term “business day” is defined as a “day on which the Board's office is *scheduled* to be open . . .” (Emphasis added.) What if the office is scheduled to be open but then closes? We recommend that the phrase “scheduled to be” be deleted from the final-form rulemaking.

The terms “confidential proprietary information” and “trade secret” are taken from Section 102 of Pennsylvania's Right-to-Know Law and are defined as such by reference to that law. 65 P.S. § 67.102. The term “personal financial information” is a verbatim recitation of the same term from the Right-to-Know Law, but it does not include any reference to the Right-to-Know Law. We ask the Board to be consistent in the way it defines terms that come from the Right-to-Know Law and believe the proposed definitions of “confidential proprietary information” and “trade secret” are appropriate. Also, since there are several references throughout the rulemaking to the Pennsylvania Right-to-Know Law, some with citations and some without, we recommend the Board include a definition for that statute.

The term “party” is broadly defined as “a person who appears in a proceeding before the Board.” Does the Board have persons who appear before it who are not parties? If so, the Board should amend this definition to provide a more accurate description of a party.

A commentator has noted that the terms “submission,” “document,” and “evidence” are used interchangeably throughout the rulemaking, but are not defined. We believe the clarity of the rulemaking would be improved if these terms are defined and used consistently.

5. Section 702.4. Filing generally.—Implementation procedures; Reasonableness; Clarity.

Subsection (b) states that when the Board “is of the opinion” that a filing is not sufficient, the filing may be accepted and the person submitting the filing will be required to correct the deficiency. The phrase “is of the opinion” is not regulatory language and should be replaced with a more definitive word or phrase.

Subsection (c) provides that the petitioner will accept the risk that a document filed electronically will not be properly filed. What if there is a delay in transmission because of a problem at the Board and through no fault of the petitioner? We agree with commentators that suggest this provision penalizes petitioners for circumstances that may be beyond their control and question the need for it.

6. Section 702.5. Board office hours.—Clarity.

Subsection (a) lists the Board's office hours "[u]nless otherwise directed by the Chairperson." We have two questions. First, what is the need for including Board office hours in a regulation? Second, how will a party be notified if the hours change?

7. Section 702.6. Oaths.—Implementation procedures; Clarity.

This provision allows a "Board member or the secretary" to administer oaths or affirmations with respect to a proceeding. Since the Secretary is a Board member, the reference to "the secretary" is not needed and should be deleted. In addition, will staff of the Board be permitted to administer oaths or affirmations? If so, the Board should make reference to that fact in this section of the rulemaking.

8. Section 702.8. Subpoenas and depositions.—Need; Clarity.

Subsection (a) states that the "Board does not possess the power to issue subpoenas or take depositions." Since the Board does not possess that power, we question the need for including this provision in the rulemaking.

9. Section 702.21. Representation.—Need; Clarity.

This section addresses who may appear before the Board in proceedings. Subsection (a) includes language taken directly from Section 2704(d.1) of the Tax Reform Code of 1971 and reads as follows: "Appearances in proceedings before the Board may be by the petitioner or by an attorney, accountant or other representative provided the representation does not constitute the unauthorized practice of law as administered by the Pennsylvania Supreme Court." 72 P.S. § 9704(d.1)(a). Commentators have suggested the rulemaking be amended to include examples of the types of arguments that non-attorneys can make before the Board and to specifically address the matter of negotiating compromises. Has the Board experienced problems with non-attorneys attempting to make arguments that only attorneys can make before the Board? What currently happens in situations where this occurs? Based on the Board's experience, is there a need to include clarifying language in the regulation? We ask the Board to answer these questions in the Preamble to the final-form rulemaking and to amend the regulation accordingly, if needed.

Subsections (e) and (f) require the prompt reporting of a change in representation or address. How should the report be made? The Board should specify the reporting method in the final-form rulemaking.

10. Section 702.22. Limited practice before the Board.—Clarity.

Under Subsection (a)(1), the Board may deny a representative the privilege of representing a party if that representative "lacked the requisite qualifications" to represent others. We ask the Board to clarify what qualifications are required to represent a party before the Board.

11. Section 702.31. Definitions.—Clarity.

This section of the proposed regulation provides definitions for the Board's rules on ex parte communication.

The term "ex parte communication" is defined as, "A communication, regarding the merits of a petition, outside of a public hearing, by one party with the Board or staff not in the presence of the other party." A commentator has suggested that both procedural and substantive issues be covered by this definition. Would the "merits" of a petition include both procedural and substantive issues? We ask the Board to clarify this in the final-form rulemaking.

12. Section 702.32. General rules.—Whether the regulation is consistent with the intent of the General Assembly.

Subsection (b) prohibits Board staff from participating in an ex parte communication and lists two exceptions to that rule. We note that Section 2704(d.3) of the Tax Reform Code of 1971 provides the statutory basis for ex parte communication and it does not provide any exceptions for Board members or staff. 72 P.S. § 9704(d.3). How is this subsection consistent with the intent of the General Assembly? Is there another statutory provision that would allow for this exception? If not, we ask the Board to delete this provision from the final-form rulemaking.

Subsection (d) requires Board staff to notify a party of an ex parte communication. How must the notification be made? The Board should specify the notification method in the final-form rulemaking.

CHAPTER 703. TAX AND OTHER APPEAL PROCEEDINGS

13. Section 703.2. Petition content.—Consistency with statute.

This section lists the items that must be included with a petition. Section 2704(d) of the Tax Reform Code also requires that a petition be supported by an affidavit of the petitioner or the petitioner's authorized representative. 71 P.S. § 9704(d). The Board should include this requirement in the final-form regulation.

Subsection (b) requires the petitioner to notify the Board when there is a change in address. The Board should specify the reporting method in the final-form rulemaking.

14. Section 703.5. Service.—Clarity.

Subsection (b) states that the Board will publish service instructions on its website. Regulations have the full force and effect of law and establish binding norms. We recommend that any service requirements that parties must abide by, including timelines, be promulgated as a regulation.

15. Section 703.6. Consolidation.—Implementation procedures; Clarity.

This section provides that the Board may consolidate "petitions, issues or proceedings" for the same petitioner, and "may structure a proceeding to avoid unnecessary costs or delay." What happens if one or both parties object to a consolidation? What does it mean to structure a proceeding? Would this be a process outside of this rulemaking? We ask the Board to clarify how this provision will be implemented in the final-form rulemaking.

16. Section 703.8. Withdrawal or termination of appeal.—Implementation procedures; Clarity.

Under this provision, a petitioner that wishes to terminate an appeal before a final decision is issued by the Board must submit a written request to withdraw the appeal. If a petitioner submits a request to terminate or withdraw an appeal, does the termination or withdrawal

become effective only after the Board rules on the request or immediately upon submission of the request by the petitioner? We ask the Board to explain how this provision will be implemented.

17. Section 703.11. Compromise generally.—Clarity.

Subsection (b) references the Board's website but does not provide the address. This reference also appears in § 703.51(b) (Publication of orders). The Board should either provide the address in those sections or add a definition for the Board's website.

Subsection (d) requires the "timely submission" of a completed Board Request for Compromise Form. What constitutes a timely submission? We recommend that the final-form regulation specify what is considered a timely submission.

18. Section 703.21. Prehearing conference.—Implementation procedures; Clarity.

Subsection (b) provides that Board staff will provide notice of a prehearing conference by telephone or electronic method. Would notice ever be made by a mail delivery service? Notice requirements should be consistently specified throughout the final-form rulemaking.

19. Section 703.31. Disposition of petitions.—Implementation procedures; Clarity.

Subsection (a) states that the petitions filed with the Board will be resolved by a written order of the majority of the Board. The proposed regulation does not specify time frames for when an order must be issued by the Board. If the Board decides to not adopt our second comment relating to providing a more detailed and complete regulatory package, we suggest that, at a minimum, the final regulation include time frames associated with the disposition of petitions.

Subsection (b) provides that a petitioner may request a hearing on the petition form "or subsequently, in writing." Is there a deadline for when a petitioner must submit a subsequent request for a hearing? If there is a deadline, we recommend that it be included in the final-form regulation.

20. Section 703.35. Failure to appear at hearing.—Clarity.

Under Subsection (a), if a party requests a hearing and fails to appear at the scheduled hearing, the opposing party may present its case to the Board at the scheduled hearing. It is unclear what procedures will be followed by the Board after such a hearing takes place. Would the Board issue an order in absence of hearing from the other party? We recommend that the Board include more detail on how petitions will be administered if a hearing takes place under the conditions of Subsection (a).

21. Section 703.43. Filing a request for reconsideration.—Implementation procedures; Clarity.

Subsection (b) provides that requests for reconsideration must be submitted electronically or by facsimile. Can a request be filed in person or by any form of mail delivery service as is permitted for other documents referenced in Section 702.4? The Board should make filing and submission methods consistent throughout the final-form rulemaking.

22. Section 703.45. Appeal Rights.—Clarity.

When a request for reconsideration is made, is the time period for filing an appeal stayed? How is the time period calculated when a request for reconsideration is denied?

23. Miscellaneous clarity.

There is a typographical error in the first sentence of § 703.52(a)(3): "Information identified by the petitioner as and that meets . . ." This should be corrected in the final-form regulation.

**State Registration Board for Professional Engineers, Land Surveyors and Geologists
Regulation #16A-4713 (IRRC #3097)**

Renewal Fee

July 15, 2015

We submit for your consideration the following comments on the proposed rulemaking published in the May 16, 2015 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) to respond to all comments received from us or any other source.

1. Determining whether the regulation is in the public interest; Economic or fiscal impacts; Direct and indirect costs to the private sector; Need for the regulation.

Section 5.2 of the RRA (71 P. S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the Preamble and proposed regulation and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under Section 745.5(a) in the Regulatory Analysis Form (RAF). Some of the information contained in the RAF submitted with this rulemaking is not sufficient to allow this Commission to determine if the regulation is in the public interest.

In the RAF, the Board explains that in March 2014, the Department of State's Bureau of Finance and Operations (BFO) projected that the Board would end fiscal year 2013-2014 with a deficit of approximately \$226,000. BFO projected that the deficit would continue to grow thereafter.

The Professional Engineer, Land Surveyor and Geologist Registration Act (act) provides, in part:

... If the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of this act are not sufficient to match expenditures over a two-year period, the board shall increase those fees by regulation . . . such that the projected revenues will meet or exceed projected expenditures.

63 P. S. § 156(a).

BFO presented the Board with schedules and projections based on the possibility of increasing the renewal fee by \$75—from \$50 to \$125. The Board states it had concerns about implementing such an increase and, instead, chose to increase the biennial renewal fee by \$50 to \$100. However, the RAF and supporting documentation submitted by the Board are based on a renewal fee of \$125.

We ask the Board to provide with the final-form regulation a revised Preamble and revised RAF that include updated revenues and expenses, as well as BFO schedules based on the actual renewal fee that the Board intends to implement.

Comments from the regulated community oppose the fee increase, contending the increase will have an adverse fiscal impact on licensees of the Board. The House Professional Licensure Committee has requested information related to the Board's major cost centers, any significant increases in its expenditures, and any other measures the Board has considered that would help reduce the projected deficits. We ask the Board to provide more detailed information in the final-form Preamble and RAF to support the need for the regulation.

2. Clarity and lack of ambiguity; Implementation procedures and timetables for compliance.

The Board indicates throughout the RAF that the renewal fee will be increased in 2015. However, in the Preamble, the Board states that it anticipates the increased renewal fee will be implemented with the 2017 biennial renewal period. We ask the Board to clarify when the renewal fee will be implemented, and ensure that its responses to the RAF are consistent with the implementation timeframe.

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 15-1387. Filed for public inspection July 24, 2015, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of Gibian, LLC; Pennsylvania Compensation Rating Bureau or State Workers Insurance Fund, or Both; Doc. No. WC15-07-002

An appeal has been filed by Gibian, LLC challenging determinations by the Pennsylvania Compensation Rating Bureau or the State Workers Insurance Fund, or both, in characterizing individuals and entities as employees rather than independent contractors, and in the alternative challenging the classification codes assigned to certain subcontractors for workers compensation purposes.

The appeal by Gibian, LLC is bifurcated and a hearing on the merits will occur, if at all, following consideration of jurisdictional and other threshold issues.

On or before July 30, 2015, Gibian, LLC shall file a concise statement of appeal setting forth the factual and legal basis for the relief sought in these proceedings. On or before August 28, 2015, the State Workers Insurance Fund and the Pennsylvania Compensation Rating Bureau shall respond to the appellant's submission.

Petitions to intervene or notices of intervention shall be filed on or before August 21, 2015.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-1388. Filed for public inspection July 24, 2015, 9:00 a.m.]

Application for Approval to Redomesticate from the Commonwealth of Pennsylvania by Allegheny Casualty Company

Allegheny Casualty Company, a domestic stock casualty insurance company, has filed for approval a plan of redomestication whereby the state of domicile would change from the Commonwealth of Pennsylvania to New Jersey. The filing was made under section 357 of The Insurance Company Law of 1921 (40 P.S. § 477e) and 15 Pa.C.S. Part II, Subpart B (relating to Business Corporation Law of 1988).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-1389. Filed for public inspection July 24, 2015, 9:00 a.m.]

Saucon Mutual Insurance Company; Plan of Conversion; Public Informational Hearing

The Insurance Department (Department) will hold a public informational hearing regarding the proposed Plan of Conversion (Plan) submitted by Saucon Mutual Insurance Company (Saucon), a Pennsylvania domiciled mutual property insurance company. The proposed Plan provides for conversion of Saucon from a Pennsylvania mutual property insurance company to a Pennsylvania stock property insurance company. In conjunction with the mutual-to-stock conversion, Saucon Holding Company, a Pennsylvania domiciled stock corporation, submitted a request for approval to acquire control of all of the capital stock of Saucon upon consummation of the previously-referenced conversion. Included within the request was the identity of three individuals anticipated to hold a controlling interest in Saucon Holding Company upon completion of the conversion and acquisition. The Plan was submitted for approval under the Insurance Company Mutual-to-Stock Conversion Act (40 P.S. §§ 911-A—929-A) and Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413). Policyholders and interested persons are invited to attend and participate in the hearing. Individuals may attend the hearing without any obligation to speak at the hearing.

1. *Date and Time:* September 1, 2015, at 9 a.m.

2. *Location:* Capitol Associates Building
901 North 7th Street
Room 200
Harrisburg, PA 17102

3. *Nature of Hearing:* The public informational hearing will provide an opportunity for policyholders and interested persons to present comments relevant to the proposed Plan. The proceeding will be recorded by a court reporter.

4. *Legal Authority:* The public informational hearing will be held under the provisions of the Insurance Company Mutual-to-Stock Conversion Act.

5. *ADA Notice:* Individuals who require the assistance of auxiliary aids or services to participate in or attend this public informational hearing are asked to call the Director of the Bureau of Administration at (717) 787-4298. Individuals who are hearing impaired are asked to call the Department's TTY/TDD telephone number (717) 783-3898.

6. *Written Comments:* Persons who are unable to attend the public informational hearing or would prefer to submit written comments instead of speaking at the hearing concerning the previously-referenced transaction may do so by mailing or delivering a copy of the comments to Cressinda E. Bybee, Senior Insurance Company Licensing Specialist, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov. Be advised that all comments received will be part of the public record regarding this filing and will be posted on the Department's web site as well as shared with the applicant.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-1390. Filed for public inspection July 24, 2015, 9:00 a.m.]

United Security Assurance Company of Pennsylvania (SERFF No. USPA-130159994); Rate Increase Filing for Forms F-701, F-733, F-734, F-771, F-775 and F-778

United Security Assurance Company of Pennsylvania is requesting approval to increase the premium 35% on 622 policyholders with forms F-701, F-733, F-734, F-771, F-775 and F-778. These forms were originally issued by Capital Blue Cross.

Unless formal administrative action is taken prior to October 7, 2015, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regula-

tion, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-1391. Filed for public inspection July 24, 2015, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Act 155 of 2014; Electric Generation Suppliers and Natural Gas Suppliers Annual Fee

The purpose of this Secretarial Letter is to confirm that electric generation suppliers (EGS) and natural gas suppliers (NGS) under the act of October 22, 2014 (P.L. 2545, No. 155) (Act 155) allow the Pennsylvania Public Utility Commission (Commission) to establish annual fees to fund the Commission's oversight of these suppliers. The Final Implementation Order regarding Act 155 adopted by the Commission on April 23, 2015 (Doc. No. M-2014-2448825) establishes a fee structure for the annual fee based on: (1) EGS and NGS gross intrastate operating revenues; and (2) a minimum fee of \$350 from each EGS and NGS firm regardless of reported gross intrastate operating revenues.

The \$350 minimum fee was due to the Commission by July 1, 2015.

However, due to inaccurate billing address information many EGSs and NGSs have failed to pay the \$350 minimum fee to the Commission. The Commission reminds suppliers that it is the responsibility of the supplier, as part of its license to do business in this Commonwealth, to maintain updated and current contact information with the Secretary of the Commission.

This contact information must include the: (1) full name of the supplier; (2) mailing address of the supplier; (3) billing address of the supplier; (4) physical location address of the supplier; (5) name and correct address of person with authority to receive service of official documents; (6) direct telephone number of a person with authority to speak to the Commission; and (7) current e-mail of a person with authority to communicate with the Commission. Failure to meet this responsibility to keep the Commission updated with current contact information can result in the supplier not receiving important documents from the Commission that could affect the continuance of the supplier's license to legally operate.

All EGS and NGS firms that have not yet paid the \$350 minimum fee must remit payment to the Commission no later than August 15, 2015. Checks shall be made payable to the "Commonwealth of Pennsylvania" and remitted by regular mail to the Pennsylvania Public Utility Commission, Bureau of Administrative Services/Fiscal, P.O. Box 3265, Harrisburg, PA 17105-3265 or express carriers to the Pennsylvania Public Utility Commission, Bureau of Administrative Services/Fiscal, 400 North Street, Harrisburg, PA 17120.

For Billing inquiries, contact Yvonne Hess, (717) 783-6190, yhess@pa.gov. For all other inquiries and information, contact Erin Laudenslager, (717) 705-4364, elaudensla@pa.gov.

As previously mentioned, the fee structure also includes an additional amount based on gross intrastate operating revenue. If an EGS or NGS firm has reported gross intrastate operating revenues for 2014, that supplier firm will receive a second invoice for that portion of the annual fee on or about August 31, 2015.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1392. Filed for public inspection July 24, 2015, 9:00 a.m.]

Chapter 14 Implementation; Doc. No. M-2014-2448824

At its June 11, 2015, public meeting, the Pennsylvania Public Utility Commission (Commission) adopted the Chapter 14 Final Implementation Order.

The act of October 22, 2014 (P. L. 2545, No. 155) (Act 155), effective on December 22, 2014, reauthorized and amended 66 Pa.C.S. Chapter 14 (relating to responsible utility customer protection).

Chapter 56 of 52 Pa. Code (relating to standards and billing practices for residential utility service) must be revised because 66 Pa.C.S. Chapter 14 supersedes a number of regulations in 52 Pa. Code Chapter 56, and the Commission is directed to revise 52 Pa. Code Chapter 56 and promulgate regulations to administer and enforce 66 Pa.C.S. Chapter 14. The Commission will promulgate a rulemaking to revise 52 Pa. Code Chapter 56. Parties will have an opportunity to participate in this proceeding when the Commission will consider and decide upon a number of issues regarding Act 155. However, some issues in Act 155 may be in need of more immediate Commission guidance as to their implementation and interpretation. As a result, in a January 15, 2015 Tentative Order, the Commission proposed to start addressing these more urgent issues. See Tentative Order, Chapter 14 Implementation, Doc. No. M-2014-2448824 (Order entered January 15, 2015) (Tentative Order).

In reviewing Act 155, the Commission identified in the Tentative Order the following two issues for immediate attention:

- 66 Pa.C.S. § 1403 (relating to definitions)—definition of “medical certificate”: The Commission is approving the “form” that a medical certificate must take.
- 66 Pa.C.S. § 1410.1(3) and (4) (relating to public utility duties): Utility reporting requirements concerning accounts with arrearages in excess of \$10,000 and annual reporting of medical certificate usage.

The Chapter 14 Final Implementation Order guidance on these two issues is on the Commission’s web site at www.puc.state.pa.us/pcdocs/1370491.doc.

The contact persons for this matter are Dan Mumford, Bureau of Consumer Services, (717) 783-1957, dmumford@pa.gov or Patricia T. Wiedt, Law Bureau, (717) 787-5755, pwiedt@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1393. Filed for public inspection July 24, 2015, 9:00 a.m.]

Natural Gas Service

A-2015-2491750. Columbia Gas of Pennsylvania, Inc. Application of Columbia Gas of Pennsylvania, Inc. for approval of the abandonment of natural gas service to three natural gas service customers in Lawrence County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities), on or before August 10, 2015. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission’s web site at www.puc.pa.gov and at the applicant’s business address.

Applicant: Columbia Gas Company of Pennsylvania, Inc.

Through and By: Andrew S. Tubbs, Esquire, 800 North Third Street, Suite 204, Harrisburg, PA 17102

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1394. Filed for public inspection July 24, 2015, 9:00 a.m.]

Natural Gas Service

A-2015-2492679. Columbia Gas of Pennsylvania, Inc. Application of Columbia Gas of Pennsylvania, Inc. for approval of the abandonment of natural gas service to one natural gas service customer in Greene County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities), on or before August 10, 2015. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission’s web site at www.puc.pa.gov and at the applicant’s business address.

Applicant: Columbia Gas Company of Pennsylvania, Inc.

Through and By: Theodore J. Gallagher, Esquire, 121 Champion Way, Suite 100, Canonsburg, PA 15317; and Andrew S. Tubbs, Esquire, 800 North Third Street, Suite 204, Harrisburg, PA 17102

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1395. Filed for public inspection July 24, 2015, 9:00 a.m.]

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Clair Zimmerman and Debra Sensenig, Copts t/a C & D Medical Transport; Cancellation Notice; Doc. Nos. C-2014-2408118, A-2009-2129165 and A-6411357

(*Editor's Note:* See 45 Pa.B. 4131 (July 25, 2015) for a Secretarial letter relating to this cancellation notice.)

On March 6, 2014, the Bureau of Investigation and Enforcement instituted a Complaint against Clair Zimmerman & Debra Sensenig, Copts t/a C & D Medical Transport, Respondent, for failure to maintain evidence of insurance on file with this Commission, a violation of 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a).

In accordance with 52 Pa. Code § 5.61, the Bureau of Investigation and Enforcement notified the Respondent that, an Answer to the Complaint must be filed within twenty (20) days of the date of service. The Notice further specified that, if Respondent failed to answer the Complaint within twenty (20) days, the Bureau of Investigation and Enforcement would request that the Commission cancel Respondent's Certificate of Public Convenience.

The Complaint was served on Respondent, Clair Zimmerman & Debra Sensenig, Copts t/a C & D Medical Transport by certified mail on March 18, 2014. To date, more than twenty (20) days later, Respondent has failed to file an Answer to the Complaint.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the Certificate of Public Convenience, issued to Respondent at A-2009-2129165 is hereby cancelled.

Respondent is assessed a fine of \$500 for failure to maintain evidence of insurance on file with this Commission as required at 52 Pa. Code § 32, as well as a fine in the amount of \$100 for failing to file an answer to the Complaint as required by 52 Pa. Code § 5.61, for a total fine of \$600. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

Furthermore, this Commission will request the Pennsylvania Department of Transportation to put an administrative hold on Respondent's vehicle registrations. Respondent will NOT be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue
Bureau of Audit Programs
Sales and Use Taxes
Tenth Floor, Strawberry Square
Harrisburg, PA 17128-1061

Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 1.1 et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1 et seq. In view of the cancellation of respondent's Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

APPEAL RIGHTS

If you disagree with this determination, you may send a Petition for Reconsideration from Staff Action (Petition) to: Secretary, PA Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Such a Petition is a written statement asking the Commission to change its determination.

The Petition must be filed with the Commission within twenty (20) days of the date of this letter. If no timely request for reconsideration is made, this action will be deemed to be the final action of the Commission.

The Petition must include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request, (2) the case docket number(s) (they are provided for you at the top right hand corner of this letter), (3) the name of the person on whose behalf the petition is made, (4) copies of relevant documentation, and (5) a verification with original signature. See 52 Pa. Code §§ 1.31 and 5.44. Below is a sample Verification:

VERIFICATION

I, (YOUR NAME GOES HERE), hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(SIGN AND DATE)

If you believe that you have received this letter in error, please contact the Compliance Office of the Motor Carrier Services and Enforcement Division in the Bureau of Technical Utility Services at 717-787-1227 within ten (10) days of the date of this letter.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1396. Filed for public inspection July 24, 2015, 9:00 a.m.]

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Clair Zimmerman and Debra Sensenig, Copts t/a C & D Medical Transport; Secretarial Letter; Doc. Nos. C-2014-2408118, A-2009-2129165 and A-6411357

(*Editor's Note:* See 45 Pa.B. 4131 (July 25, 2015) for a cancellation notice relating to this Secretarial letter.)

On March 6, 2014, the Pennsylvania Public Utility Commission's (Commission) Bureau of Investigation and Enforcement instituted a Complaint against Clair Zimmerman and Debra Sensenig, Copts t/a C & D Medical Transport (C&D) at Doc. No. C-2014-2408118 for failure to maintain evidence of insurance on file with the Commission. This Complaint was served on C&D by means of certified mail at its mailing address on file with the Commission. The Complaint was subsequently returned by the United States Postal Service with the notation "no such number; unable to forward."

On March 25, 2014, the Complaint was re-served on C&D by means of first class mail. The Complaint was subsequently returned by the United States Postal Service with the notation "not deliverable as addressed; unable to forward."

By Secretarial Letter dated May 19, 2015, the Commission noted that an answer had not been filed in response to the Complaint. As a result, the Secretarial Letter stated the allegations of the Complaint were deemed admitted and the Complaint was sustained. C&D's Certificate of Public Convenience, issued at Doc. No. A-2009-2129165, was cancelled and C&D was assessed a fine of \$600. In addition, the letter stated that the Commission would ask the Department of Transportation to put an administrative hold on C&D's vehicle registrations. This Secretarial Letter was sent to the same address listed on the Complaint.

The Commission is concerned that C&D was not properly served with the Complaint. To ensure that C&D's due process rights are preserved, the Commission will serve this Secretarial Letter, together with the May 19, 2015, Secretarial Letter, by both certified mail and publication in the *Pennsylvania Bulletin*, under 52 Pa. Code § 1.53(c) and (e) (relating to service by the Commission). C&D shall have 20 days from the date of publication in the *Pennsylvania Bulletin* to file a Petition for Amendment or Rescission of the May 19, 2015, Secretarial Letter, under 66 Pa.C.S. § 703(g) (relating to fixing of hearings) and 52 Pa. Code § 5.572(d) (relating to petitions for relief).

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1397. Filed for public inspection July 24, 2015, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 10, 2015. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2015-2489319. Embarque Philadelphia, Inc. (120 Powhatton Avenue, Essington, Delaware County, PA 19029) persons in limousine service, between points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

A-2015-2489518. Paoli Cab Service, LLC (27 East Central Avenue, Apartment N2, Paoli, Chester County, PA 19301) persons in call or demand service, in the Boroughs of Malvern and West Chester, and the Cities of Berwyn, Exton and Paoli, all in Chester County. *Attorney:* Mohammed I. Shariff, Esq., 6454 Market Street, 2nd Floor, Upper Darby, PA 19082.

A-2015-2490123. Rock Star Limousine, LLC (1928 8th Avenue, Beaver Falls, Beaver County, PA 15010) persons in limousine service, between points in Allegheny, Beaver, Butler and Lawrence Counties.

A-2015-2490449. ATG, Inc. t/a Carey Philadelphia (120 Powhatton Avenue, Essington, Delaware County, PA 19029) persons in limousine service, between points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

A-2015-2491325. ASP Management, Inc. (2655 Philmont Avenue, Suite 206B, Huntingdon Valley, Huntingdon County, PA 19006) persons in paratransit service, between points in Pennsylvania.

A-2015-2491404. Brito Express, LLC (427 Academy Street, Wilkes-Barre, Luzerne County, PA 18702) persons in airport transfer service, from points in the Counties of Lackawanna and Luzerne, to the Philadelphia International Airport. *Attorney:* Margaret A. Morris, 2929 Arch Street, 13th Floor, Philadelphia, PA 19104.

A-2015-2491440. Aseel Transport, LLC (2029 South Wood Street, Allentown, PA 18103) for the right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service, from points in the City of Allentown, to the Lehigh Valley International Airport, and from the Lehigh Valley International Airport to, points in Lehigh County.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1398. Filed for public inspection July 24, 2015, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due August 10, 2015, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Comprehensive Labor Solutions; Docket No. C-2015-2451828

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Comprehensive Labor Solutions, Respondent, maintains a principal place of business at 812 Cedar Avenue, Pittsburgh, Pennsylvania, 15212.

2. That Respondent is advertising household goods moving services on the internet at <http://comprehensivelaborsolutions.com>. Respondent does not hold a certificate of public convenience from this Commission.

3. That Respondent, by holding out to provide household goods transportation between points in Pennsylvania while not having operating authority with this Commission, violated the Public Utility Code, 66 Pa.C.S. § 1101. The penalty for this violation is \$1,000.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission fine Comprehensive Labor Solutions, the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this Complaint.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/17/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
ment

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial

Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Harry K. Frey t/a Frey Transport; Docket No. C-2015-2479000

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Harry K. Frey, t/a Frey Transport, (respondent) is under suspension effective April 15, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 148 Marticville Rd, Lancaster, PA 17603.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 10, 2014, at A-8916519.

4. That respondent has failed to maintain evidence of both Cargo insurance and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8916519 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 4/28/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. A-1 Rall & Leeds Warehouse Inc; Docket No. C-2015-2479233

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to A-1 Rall & Leeds Warehouse Inc, (respondent) is under suspension effective April 01, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 25 Maynard Street, Williamsport, PA 17701.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 21, 2009, at A-2009-2143877.

4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-2009-2143877 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 4/28/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Fiamingo Moving and Storage, Inc; Docket No. C-2015-2479240

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Fiamingo Moving and Storage, Inc, (respondent) is under suspension effective April 01, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 18610 Route 6, Mansfield, PA 16933.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 03, 1983, at A-00104227.

4. That respondent has failed to maintain evidence of Cargo and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00104227 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 4/28/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. MDR Direct Logistics Corp; Docket No. C-2015-2479852

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to MDR Direct Logistics Corp, (respondent) is under suspension effective April 21, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 112 Market Street, Pittston, PA 18640.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 7, 2013, at A-8915611.

4. That respondent has failed to maintain evidence of both Cargo insurance and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8915611 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the

Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/5/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. Bam's Hauling
Inc; Docket No. C-2015-2479853**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Bam's Hauling Inc, (respondent) is under suspension effective April 21, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 443 Putnam Street, Scranton, PA 18508.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 29, 2013, at A-8915727.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil

penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8915727 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/5/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Aord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Stealth Transport Inc; Docket No. C-2015-2479857

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and

Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Stealth Transport Inc, (respondent) is under suspension effective April 21, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 2497 Harper Road, Punxsutawney, PA 15767.

3. That respondent was issued a Certificate of Public Convenience by this Commission on January 09, 2012, at A-8914025.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8914025 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/5/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise

all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. A record certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Old School Trucking, LLC; Docket No. C-2015-2480611

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Old School Trucking, LLC, (respondent) is under suspension effective April 10, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 6354 Lincoln Highway West, Thomasville, PA 17364.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 22, 2014, at A-8916395.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8916395 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
 David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I

expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/11/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of

insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

VEHICLE INSPECTION BUREAU COMPLAINT FORM

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. County Cab Co.,
PUC # A-00122187; Docket No. C-2015-2481814**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

County Cab Co.
702 Mcdade
Collingdale, PA 19023

Inspection Information:
Location: 69th and Market Streets
Upper Darby, Delaware
Date and Time: 05/12/2015 12:00 a.m.

Vehicle Information:
Year, Make, Model: 2011 Ford Crown Victoria
State, Tag : TX47640 PA
VIN: 2FABP7AV3BX120408
DVCR #: 4026

Authorized Officer Performing Inspection: Ralph Kane

On the date and at the time described on page one of this Complaint, the following violation(s) was disclosed:

52 § 29.313(c) Log Sheet to include: Date, Shift Time, Vehicle #, Times/Places origin & destination (street address or landmark), # Pass, Fare collected, Meter readings/odometer readings, name driver, signature of driver; Daily Logs not in driver's possession.

\$50

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine respondent the sum of \$50.00 for the illegal activity described in this Complaint and order any other remedy as the Commission may deem appropriate.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 06/2/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome of the complaint proceeding. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in the Complaint.

You may elect not to contest this Complaint by paying the fine proposed in the Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the Complaint proceeding shall be closed.

If you file an Answer which admits or fails to deny the allegations of the complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in the Complaint.

If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the optional fine set forth in the Complaint.

Alternative formats of this material are available for persons with disabilities by contacting the Compliance Office at (717) 783-3846. Questions on how to respond to this Complaint may also be directed to the Compliance Office.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1399. Filed for public inspection July 24, 2015, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 15-081.1, Pier 82 Refrigerant Replacement Piping, until 2 p.m. on Thursday, August 27, 2015. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 15-1400. Filed for public inspection July 24, 2015, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

Bureau of Professional and Occupational Affairs v. Ronald Trawick; Doc. No. 60187-42-2011

On March 26, 2015, Ronald Trawick, license no. BM011965L, of Upper Darby, Philadelphia County, was ordered to pay a civil penalty of \$500 for operating a barber shop on an expired license.

Individuals may obtain a copy of the adjudication by writing to Ariel E. O'Malley, Board Counsel, State Board of Barber Examiners, P. O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Barber Examiners (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of

their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

JOHN E. PAYNE, Jr.,
Chairperson

[Pa.B. Doc. No. 15-1401. Filed for public inspection July 24, 2015, 9:00 a.m.]

STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.
Amy Foster Hunter, RN; File No. 14-51-07899;
Doc. No. 0270-51-2015**

On April 22, 2015, Amy Foster Hunter, RN, license no. RN523574L, of Philadelphia, Philadelphia County, was suspended for 1 year retroactive to February 18, 2015, based on her misdemeanor conviction under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144).

Individuals may obtain a copy of the adjudication by writing to Bridget K. Guilfoyle, Board Counsel, State Board of Nursing, P. O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must

serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 15-1402. Filed for public inspection July 24, 2015, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Christine Maria Monforto, RN; File No. 15-51-
01459; Doc. No. 0313-51-2015**

On May 11, 2015, Christine Maria Monforto, RN, PA license no. RN617542, of Voorhees, NJ, was suspended for failing to comply with a previous State Board of Nursing (Board) order.

Individuals may obtain a copy of the adjudication by writing to Bridget K. Guilfoyle, Board Counsel, State Board of Nursing, P. O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 15-1403. Filed for public inspection July 24, 2015, 9:00 a.m.]

